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In the Superior Court

OF THE

CITY AND COUNTY OF SAN FRANCISCO

State of California.

[Sarah Althea Hill Terry - i.e. Mrs David Smith Terry]

SARAH ALTHEA SHARON,

Plaintiff,

vs.

WILLIAM SHARON,

Defendant.

ARGUMENT

—OF—

W. H. L. BARNES,

For the Defendant.

STENOGRAPHICALLY REPORTED

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ARGUMENT.

Mr. Burnes—May it please the Court :

In the course of this protracted argument, the learned counsel for the plaintiff has extensively read and commented upon the law of marriage in this country, in England and Scotland, and indeed of every other nation where the rite is celebrated in any form or fashion whatever.

I shall not attempt any further review of the "myriad maze of endless precedents" to which your attention has been so laboriously directed. While many of them furnish little assistance in determining the state of the law of marriage in California, yet all are of interest; and I feel bound to say of the gentleman to whom the preparation of the law argument on the part of the plaintiff has been entrusted, that his work has served to illustrate the patient industry with which he has labored, and the thorough research he has given to the general subject. His zeal has certainly resulted in a valuable monograph upon marital relations; but while admitting this, I feel bound also, to call attention to the fact that neither he nor any of the counsel on the other side has brought to the extraordinary and anomalous features of this case the slightest application of the principles enunciated in so many decisions. The omission is as obvious as the motive that prompted it; and I shall not further advert to it, except to state my conviction that the younger Mr. Tyler's industry is at least equalled by his prudence.

The legal discussion, protracted as it has been, has served, however, to define clearly our own position and that of our opponents. Briefly, then, and without repetition of citations, I beg leave to state our respective views as I understand them, and to lay before the Court a full and plain declaration of the principles of law upon which I propose to argue the cause, and which I shall attempt to apply to its remarkable facts.

We agree that marriage is a personal relation arising out of

a civil contract, the essential of which, as of every other contract, is the consent of the parties concerned.

We agree that in the case of solemnization following such consent, and where compliance has been made with the carefully prescribed provisions of Article II of the Civil Code respecting authentication, the parties thus complying are lawfully married, though they part at the altar where they have publicly exchanged their vows, and never share or claim to share the rights, or perform the duties, or discharge the obligations, of the holy estate of matrimony.

So far we agree; but at this point our ways finally diverge, to meet no more on any common ground. As I understand the plaintiff's counsel, they claim that what is true of solemnized marriages is also true where the consent of the parties to marry is evidenced only by *verba de praesenti* or *futuro*, whether such mutual consent be merely oral or by written and signed agreement; that where consent to marriage is established under the same rules of evidence as facts in other cases, that is, by oral testimony or written agreement, that agreement is sufficient to establish the marital relation, and the man and the woman thus consenting are husband and wife; that they have made a contract indissoluble by the will of either or of both, unless they shall be released from its obligations and duties by the decree of some Court of competent jurisdiction or by the higher jurisdiction of death; that cohabitation, marital intercourse, and a common social and domestic family life, the ordinary and ostensible association of people honorably united in wedlock, are non-essentials; that the parties may go their several ways, live apart, deny the existence of the marital relation, hold themselves out as unmarried persons, and continue so to live for years until such time as either one shall choose, no matter whether the other be deceased or living, to claim for his or her benefit, the advantages of a relation so created.

On our part it is asserted with equal confidence, that, however elsewhere binding, consent alone will not constitute a marriage in the State of California; that it must be followed

either by solemnization, or by a mutual assumption of marital rights, duties or obligations. We claim that the law of this State has, by the language of Section 55 of the Civil Code, marked its emphatic condemnation of what are known to the common law as secret marriages. It demands publicity, open and undisguised. It is solemnization, then, as provided by law with its concomitants of license, recording, etc., that alone constitutes such publication of the fact that the parties have entered into this relation, as meets the requirements of the statute. In the case of consent without solemnization, there is no admissible publication without the mutual assumption of marital rights, duties or obligations. Without this, there can be no lawful consummation of a marriage by consent. Accompanied by this the intercourse is declared to be marital; without it, simply meretricious. This is the unequivocal language of the Civil Code, and your Honor has doubtless observed that while in the case of marriage without solemnization, it provides a mode of proof for both consent *and* consummation, it refuses to allow the possibility of such proof for the one without the other.

Counsel who preceded me cited Article II of the Civil Code and seemed to think it repealed the concluding paragraph of Section 55. Such is not our understanding of its reading. We think the title of Article II sufficiently expresses its object, namely, "the authentication of marriage;" it provides the mode by which a solemnized marriage shall be authenticated by the person who solemnizes it, and also provides the mode in which marriage by consent may be authenticated by the parties consenting. A mere compliance with the provisions of Section 75 does not, in our view, create a marriage by private contract. The marriage there spoken of is one which has already taken place, and the view of the Section is wholly retrospective. It permits a solemn record to be made of such a marriage, which record, when made, acknowledged and recorded, in like manner as grants of real property, shall have the same force and effect as the marriage certificate provided for in Section 73. This joint declaration must state the names,

ages and residences of the parties ; the fact that they are already married ; the time when they were married, and that the marriage was never solemnized.

It seems to me counsel have shifted their ground since this action was brought. Your Honor will observe upon reference to the complaint, that a marriage by contract is alleged as of the 25th of August, 1880 ; and that the complaint then goes on to say that inasmuch as the marriage had not been solemnized, the parties proceeded to and did make a declaration substantially conforming to the provisions of Section 75, and authenticated and certified it in the statutory mode. But the whole ground is now changed. They are not here claiming that a marriage was contracted, of which the alleged marriage contract is the authentication, but they say the latter is itself the marriage contract between this pair, and that it operated effectively to bind plaintiff and defendant indissolubly together. This I understand to be the ground upon which they now present and argue the case ; changing and shifting the entire theory on which the action was originally brought.

My learned associate, Judge Evans, has fully and ably demonstrated, upon abundant authority, that Exhibit "1" must be utterly futile as a compliance with the Civil Code ; and I need not repeat his argument or again cite the authorities quoted by him. We assert that if this document in question were genuine, it would be only evidence of a mutual consent to marry, under Section 55 of the Civil Code. But it cannot constitute marriage between the parties unless it has been followed by the mutual assumption of marital rights, duties or obligations.

Let us suppose, if your Honor please, that instead of delaying the presentation of her claim to be Mr. Sharon's wife for three years, during which time she went abroad in society and maintained her station in it as a single woman ; during which she conducted business, collected money, made deposits in banks, bought and sold stocks, operated through brokers using invariably her maiden name ; supposing, I say, instead of three years, she had lived such single and divided life for a

period of ten or twenty years, waiting till in the course of nature Mr. Sharon had gone to the grave intestate, and that after the lapse of that number of years, and after such a life, she had laid claim, as his widow, to the right to administer his estate and to share it, and had founded such a claim on the possession merely of this document (to say nothing of the evidence that has been adduced of the divided life which it is confessed they lived, and which the counsel excuse, palliate or explain by saying that such divided life was in accordance with the terms of the contract) admitting that the parties lived apart, not from the force of circumstances, but by voluntary agreement, would any legal mind say that such a claim would have judicial approval, and that a lady so situated could be awarded administration and a widow's share in his estate?

Suppose, again, that during the period named in this contract for the suspension of marital rights, duties or obligations, and for existence not in a state of marriage, but of concubinage, the defendant had openly and by a solemnized marriage, properly allied himself with a virtuous woman, who should afterwards bear him children; would any legal mind say that this agreement for secret marriage containing a clause drawn in the very teeth of the statute, a clause which expressly covenants that the rights, duties or obligations of marriage shall not be assumed—but that the plaintiff shall keep her secret—that such a document, with such stipulations, would have the effect of converting a wife by solemnization into a concubine and bastardizing her offspring? If your Honor please, these questions carry with them their own answer.

We insist that to sustain the contention of the plaintiff's counsel, requires a judicial repeal of the concluding paragraph of Section 55 of the Civil Code; that to sustain the view on which we insist, is to move in judicial harmony with the statute, to give effect to all of its provisions, and draw the line as the law intended to draw it, between honorable marriage and those clandestine and irregular connections between men and women which tend to sap the foundation of all social order; to become, as they have become

in this case, the fruitful source of numerous frauds and perjuries; to disturb the lawful and natural devolution of estates, and degrade true marriage to the level of concubinage.

To this proposition we add the claim that there can be no reasonable ground for misunderstanding the language of Section 55 of the Civil Code. It is complete, even to redundancy. To the question, "What is meant by the phrase mutual assumption of the rights, duties or obligations of matrimony?" we answer, "It means that the man and woman consenting to marriage without solemnization, shall, both of them, simultaneously with the agreement to marry, and thenceforward, live openly and publicly together as husband and wife; that they shall have a common dwelling; that the wife shall take her husband's name and lay aside that of her maiden life; that her husband shall maintain her as his wife; that she shall at least be willing to bear him children who shall take his name and inherit his estate; that he shall publicly assume and discharge his legal obligations for her debts and necessary maintenance; that they shall openly live a united life and mutually fulfill all those obligations of mutual respect, fidelity and support which are so plainly prescribed and defined in Section 155 of the Civil Code relating to the obligations of marriage."

I know your Honor will consider these propositions with very careful anxiety. I cannot know your Honor's mind as it is now impressed, or as it may be influenced by your own study hereafter; but I must assume for the purpose of the argument, that it is and will be in harmony with the law of this State, as we understand it, and with the many decisions of learned Judges to which my associate has entreated your patient attention, and which he has so ably illustrated by repeated references to the complicated and conflicting mass of evidence here adduced.

It is upon this theory of the law that I purpose to argue the present case; but, in my humble opinion, whatever the law may be, the facts and circumstances establish, not merely by a preponderance of proof, but beyond all reasonable doubt:

1. That Miss Sarah Althea Hill was never married to

William Sharon; that she is not and never was his wife by any form of consent followed by solemnization or by the mutual assumption of marital rights, duties or obligations.

2. That the alleged declaration of marriage declared upon in the complaint, is utterly invalid and void for want of compliance with the statute, and

3. That the alleged contract and the "dear wife" letters are established by competent proof, and by all surrounding circumstances to be impudent frauds and forgeries, and are the basis of one of the most bold and shocking conspiracies to accomplish most unworthy ends, by means in themselves criminal, which has ever been presented to any judicial tribunal. And to this last observation, permit me to add that if I shall fail to denounce the manifold crimes which have been here exposed, as they deserve, feeling the powerlessness of the language at my poor command to express my personal detestation of this bold conspiracy, of these shameless frauds and bungling forgeries, of this wilderness of perjury and subornation of perjury, in which this unhappy woman is the central figure, and whose column of criminals, confessed and unconfessed, George W. Tyler has led with such desperate hardihood; if, I repeat, I shall fail to do them, one and all, the justice they deserve and would receive from abler counsel, let it not be understood that my short comings in this respect are to be charged to want of a full and complete appreciation of their hideous enormity. Of the plaintiff herself, I shall from choice say but little. Her solitary and melancholy condition, guilty though she may be proven of many offenses, may well awaken the commiseration of every human being.

She says she was hurried into what she describes as "this fight" against Mr. Sharon, by her guide, her acquaintance, her sweet counselor, Mr. William M. Neilson, under his promise that it should never come into court!

Can this be called a marriage, entered into by private consent, which this unhappy creature is persuaded to believe can be just as easily shaken off?

Did it require, to her thinking, nothing further to dissolve

her marriage than the cancellation of one document by another, or the material destruction of the first on the payment of a price sufficient to satisfy the cupidity of her managers ?

Neilson tells her, " Let me make this fight on Sharon, and it shall never come to Court." She writes to him and says, " You promised me no harm should ever come to me if I would let you make this fight against William Sharon. * * * * * Against my will I employed your lawyer." What, indeed, can be more pitiable than the abject and humiliating position of this woman ? What ultimate purpose she designed to accomplish with these forged documents we do not know. We do know that, when Neilson began his " fight," she was not prepared to boldly commit herself, but was dragged into it by Neilson and his confederate ; and now, urged on from without by such counselors, from within by the hell-begotten fury of a woman scorned ; slighted, as she says, by everybody ; cast off by former friends ; without a home or a dollar ; looking back with despair upon self-sought degradation, unexcused by the pressing forces of poverty and homelessness, unseduced by the arts and flatteries of the conscienceless pursuer of female purity, she has herself published the lamentable history of her own follies and crimes.

For this result the defendant is in no sense responsible, unless it be that a determined resistance to an infamous conspiracy, as foully begun in the Police Court of this city, as it is recklessly persisted in before this Superior tribunal, to place the crown of wifehood upon the brow of an unworthy woman, can be justly deemed worthy of censure. But, under any circumstances, and as far as my duty will permit, I shall add no weight of reproach to what has been said, nor cast at her a single stone of rude contempt, however deserved. To thus assail her would indeed be vain ; and it is no part of my obligation to coarsely upbraid her before this audience or your Honor. It will be enough for me to speak of the crimes which have been laid at her door, as far as I may, without reference to their perpetrator ; realizing as fully as it is given me to do, that the concentrated hate of man and womankind could wish

her nothing worse than the guilt and shame which have so completely overwhelmed and buried her beyond the possibilities of resurrection.

There is one other preliminary observation which I trust your Honor will grant me leave to make.

The difficulties and annoyances, the wearing and exhausting processes of such a cause as this, have been immeasurably increased by the course the leading counsel for the plaintiff has seen fit to pursue. From the outset of this struggle he has ignored all and singular the amenities which the ancient customs of our noble profession have made the law of intercourse between counsel, however ardent and uncompromising in their client's behalf. He has wantonly thrown away even the scanty garb of outward decencies with which custom, not unreasonably demands that the commonest humanity shall be clothed, and with hideous brutality and uplifted tomahawk has danced and yelled like a naked savage on the war-path. He has filled the air, day after day, week after week and month after month, with malodorous aspersions of the motives of my associate and myself; has with blunt directness and with covert insinuations accused me of tampering with witnesses and educating them to adroit perjury; has been guilty of daily provocations to disturbance of the peace of the Court room, and without cause or excuse has been consistently abusive and insolent to Court and counsel. And while endeavoring by misrepresentation and exaggeration to vilify and asperse his opponents, he has exalted himself by undeserved vauntings of his own virtue, integrity of life and honesty of purpose; and awarded himself fulsome testimonials of his own intrepid courage. I desire to notice, particularly, one occasion.

During the earlier days of the trial, as your Honor will remember, we debated a legal point of great interest to all witnesses and to the profession, respecting the mode of impeaching witnesses provided by the code of Civil Procedure. It arose upon an effort of Mr. Tyler to destroy the credibility of a female witness by propounding to her questions indicating that she had been guilty of specific acts of impropriety with

men. In the heated argument that ensued, I remarked that it did not tend to injure the character of a woman for truth nor for integrity, as the word is used in the statute, and is intended to be applied, to show that she has passions that have not always been controlled, or that she may have been driven by poverty, or circumstances, that are sometimes more powerful than either passion or poverty, to a life that society, while itself indulging in it from the highest to the lowest, affects to condemn for its viciousness; and, I added, "there is no reason in the world why an unchaste woman should not tell the truth in a matter in which she is not interested, as straightforward as the chastest vestal that ever drew breath. It is not a question which the law regards at all, any more than it regards the indulgence or non-indulgence of any other appetite which might be deemed censurable. Would it tend to destroy the credibility of a witness to ask him upon the stand, on cross-examination, 'Have you not taken opium?' 'Do not you use morphine?' 'Have you not been a slave to some bad habit?' And this species of question is just like the other. It is useless; it only serves to hurt the feelings. It wounds and intimidates a witness to search his or her conscience in such a way. What if counsel have discovered, or claim to have discovered some isolated fact of a compromising nature in the individual history of the witness, may they ask him about that particular fact? If a woman happens to be on the stand, who, many years ago, under pressure of temptation, such as that of poverty, or the arts of the seducer, has been led astray, and she is simply a witness to the execution of a contract, are counsel, upon cross-examination, at liberty to open the closed book of her life and lay bare its errors before the world, for the purpose of injuring her credit with Court or jury? What if they do so on a mere suspicion, or because a slander which she has outlived and risen above, has at some period of her life breathed upon her its poisonous breath? What if she has contracted honorable marriage and is the mother of children; does it make against the credibility of her testimony to rake up that story and exhibit it to the public?

It cannot and ought not to do so. If the Court shall be of opinion that this species of interrogation of a witness on the stand is competent; if a lawyer's ingenuity or skill has discovered some unhappy fact in the history of a human being called to testify in a cause, and he is permitted to ask specific questions concerning this or that particular error, then he ought to be permitted, without any knowledge of the witness, to go on and put every crime in the decalogue, and every known social offense, into the form of a categorical question and propound it to the witness. He may run the gamut of all the crimes; murder, arson, robbery, forgery, bribery, subornation of perjury, in the hope of at last stumbling upon one; and when that is reached, and the witness, too truthful to deny, may admit the bitter impeachment, he may then go into all the details and drag every circumstance of private life from the mouth of a shrinking witness; and do this for the purpose of what the statute calls a general impeachment."

Now, that is what I said; yet this man has twice stood before your Honor, and repeated with characteristic vehemence, that Mr. Sharon, through the mouth of his counsel, has here asserted that "every woman in this State is a prostitute and every man a rake."

He has succeeded in getting this misrepresentation upon the record, and it has been sent abroad through the press. I presume his virtuous soul is satisfied, as society should be when Mr. Tyler becomes its vindicator. My observation properly bore no such construction as he has seen fit to place upon it. He read a portion of my remarks and omitted the rest. He omitted also another portion of this same debate—a portion so remarkable for its amusing novelty that the profession has hardly yet recovered from the screams of derisive laughter evoked by Mr. Tyler's unblushing self-laudations echoed and re-echoed from one end of this vast structure to the other as each successive instance struck our ears.

Mr. Tyler said, "I did not say I looked on a question of that kind myself as an act of unchastity. What I meant to say was, that I was never able to see the justice of society in mak-

ing a distinction between a man and a woman. I cannot appreciate the idea of any man saying it is a terrible thing to be asked a question of that character. There is not an act of my whole life that I would not be quite willing to be questioned about; not an act that I would not be willing to have thrown open to the light of Heaven. No honest man fears these questions. It is the rascal or the prostitute who has cause for fear. Not honest people."

And so, because he is so conscious of virtue—he claims the privilege of accusing, condemning and crucifying every man and woman he can lay his hands upon. Truly is the elder Tyler the miracle of the nineteenth century, and I may say of the entire Christian era. Here is a man without sin; whose whole existence has been passed without the commission of an error, and has no personal need for believing in the doctrine of the Great Atonement. For him there is no repentance, because his soul has been evermore unstained by mortal sin or venial error.

Colonel Flourney referred, very gracefully, the other day to that touching and tender incident related by the Apostle St. John, of the Scribes and Pharisees, who brought before the Saviour of the world the unfortunate woman taken in her offense, and, by asking Him questions, endeavored to bring about a conflict between the Mosaic law and that of their Roman masters and thereby to find cause for accusing Him of sedition. I thank Col. Flourney for the illustration. I went home from the Court room and read the passage. My main reflection in connection with it was, that well indeed was it for the woman taken in adultery that Mr. Tyler was not among the crowd of Jewish attorneys-at-law and Pharisees who dragged her before the merciful Saviour of mankind and tempted Him with their questionings. Let me read:

6. * * * "But Jesus stooped down, and with his finger wrote upon the ground, as though he heard them not."

7. "So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you, let him cast a stone at her."

8. "And again he stooped down and wrote on the ground."

9. "And they which heard it, being convicted by their own conscience," Pharisees and attorneys-at-law alike, "went out one by one, beginning at the eldest, even unto the last: and Jesus was left alone, and the woman standing in the midst."

10. "When Jesus had lifted up himself, and saw none but the woman, he said unto her, Woman, where are those thine accusers? hath no man condemned thee?"

11. "She said, No man, Lord. And Jesus said unto her, Neither do I condemn thee: go, and sin no more."

Oh, if this modern scribe had been practicing his profession in Jerusalem at the time to which this touching narration refers, and had gone with the other lawyers to the Temple, how different would have been its conclusion! *He* would not have been convicted by his own conscience, nor would *he* have left the Saviour standing alone, and the woman in the midst; but conscious of his virtue, and strong in his integrity, he would have stepped promptly out from the jeering and grinning crowd, picked up the largest missile from the heap ready to hand, and gleefully crushed God's image from the shrinking, trembling creature at his feet; or, worse still for the unhappy object of his chaste indignation, would have solicited the pleasure of five minutes cross-examination, and then have hurried round to the office of the Hebrew Gallinipper and taken pains to see that his villanous conduct was inserted, with suitable editorial praise.

There has not been a man upon the witness stand on behalf of the defendant whom he has not insulted; not a woman who has gone away unwounded, either by his unwarranted and coarse insinuations, or by his inhuman attempts to force her down upon his butcher's block and hew to pieces her reputation for truth, integrity or personal purity. There has been but a solitary exception to this rule. Before the beauty of Mrs. Bornemann he dropped in a moment the reeking instrument of execution and fell prostrate and groveling before her, more terrible and revolting in his efforts to arouse in her the

sentiment with which he was evidently inspired, than in his more natural and normal state of savagery.

It might naturally have been expected that I should devote some of the hours allotted to me, in answering in detail his most malicious and unworthy assaults upon myself, again and again repeated up to the last day of his argument, when exhausted in mind and material, he fell upon my name, the inconvenient length of which has furnished many a witling besides himself with food for vulgar jesting, but whose burden I have sustained out of regard to the beloved father and mother who bestowed it upon me in memory of a dear deceased friend; and caricatured and rended it with the frantic and senseless passion of some animal that has dragged within his cage the garment of one beyond the reach of his claws. I shall forbear to emulate this evil example, but not as he has intimated fifty times during the trial of this cause, from motives originating in any fear of his violence. I do not fear him, but I prefer to avoid him.

And now to the serious and legitimate business of this argument; I have stated, in discussing this case, that it was absolutely impossible for any human being to maintain an historical lie; that the lie of to-day, the lie that exists within the forum of one's conscience, may be told successfully, and the inventive faculty may surround it with the phenomena of truth, and adorn it with the insignia of veracity; but a falsehood, invented to-day, designed to go back and take in the events of years, cannot be successfully told. Every narration of fact, so long as it moves in harmony with truth, is consistent. It goes to the end of its journey, resistless in its native strength and direct as the flight of birds of migration; but when the attempt is made to assert an untruth, and interweave it with the substantialities of life, every incident and circumstance becomes antagonistic, and the liar shrinks before the danger that seems to his guilty mind, to be lurking in every bush.

"Et notae ad lunam trepidabit arundinis umbram."

With this view I have adopted a synthetic and chronological

treatment of the events which are alleged to have occurred, just as if from the facts and circumstances in evidence, I was preparing a biography of the plaintiff, comprising the period from our earliest knowledge of her down to the immediate present. We shall see what becomes of her romance of a rich old man!

The account the plaintiff furnishes of herself is meager. She came to California in the year 1871, and lived with relatives from eighteen months to two years. In 1873 she went to board at the Grand Hotel, where she remained until about the year 1875, and then went to reside with the adopted daughter of her grandmother on Bush street, where she remained several months. She next went to housekeeping on Sutter street; then removed to the Grand Hotel; and in 1878 migrated to the Baldwin Hotel. In 1880 she removed to the Galindo Hotel, in Oakland. In September, 1880, she returned to the Baldwin Hotel, and on the 29th of September, 1880, again took up her abode at the Grand Hotel, where she remained until the 6th of December, 1881. Of her social life before the 10th of May 1880, we know little, and that little reflects no credit upon her. Mrs. Laws says she knew her as early as 1878 at the Baldwin Hotel, where she was involved in trouble with a gentleman, and went to Mrs. Laws for mediumistic and spiritual consolation. She went again to Mrs. Laws upon similar business in 1879. From that time we lose sight of her except that as she says, during the summer and fall of 1879 she was considerably engaged in stock speculation. She kept an account with the Bank of California in the year 1879. This account would seem to show that during 1879 she had an aggregate capital of between \$17,000 and \$18,000—which came in and went out, though continually decreasing, until in February, 1880, she had left precisely eleven dollars. She was in trouble with her lover, and in trouble about her business; and the next we hear of her she appeared in a law office in Nevada Block on the 10th day of May, 1880, in the full daylight; when she was in such a desperate mood, so filled with trouble, so burdened with sin or sorrow that she took poison, from the

effects of which she would, if her life had not been saved by prompt medical aid, have been carried off to the morgue, stripped and exposed to the public gaze as the latest

“ One more unfortunate,
Weary of breath,
Rashly importunate,
Gone to her death.”

What could have been the social standing of a woman, passably good-looking, comparatively young, not over thirty years of age, living in a respectable house like the Baldwin Hotel, who was so full of trouble that she could go to Nevada Block, and there, in the office of a man whom she was pursuing and who was not pursuing her, attempt suicide by poison? She was carried to Dr. Murphy's office and treated vigorously and promptly. What there happened is also significant of her social state. In the letter which she pretends was written to Mr. Sharon in June, 1882, she speaks of being “snubbed by her friends and acquaintances,” and put aside by her relatives on account of him. In the letter written by her to Mr. Sharon just after Mr. Thorn had notified her to leave the Grand Hotel in November, 1881, she says: “I valued your friendship, Mr. Sharon, more than all the world. Have I not given up everything and everybody for it?” The scene in Dr. Murphy's office on the night of the 10th of May, 1880, and on the following day shows that the desertion of friends and relatives had commenced long before she assaulted my client with visits to his business office. On this date she lay in the Doctor's office, threatened with death from poison, administered with her own hand. She had in San Francisco a grandmother, an aunt, Mrs. Bryan, her two uncles, Mr. Sloan and Mr. Bryan, and her brother, and not one of them was summoned or was present. None of them came or were brought there to care for or protect her, but Dr. Murphy sent for Mrs. Smith, a woman's nurse. She came and stayed all night with the would-be suicide, and took her to the Baldwin Hotel as soon as it was possible to move her.

Now, sir, such was the plaintiff in May, 1880. Her financial condition was also desperate. She had to her credit in bank only eleven dollars. She had expended her money in purchasing stocks, which were not worth cost. Mr. Baldwin says that when she went to him in April and May, 1880, and begged him to take up her stocks and carry them for her, he found, upon examination, that her stocks would not then pay what was due upon them. She has, it is true, told some vaporous tales about other accounts and money in other banks. But there is no evidence to sustain them. I take it for granted that if it had been possible to show the faintest shadow of truth in her statement that during the summer of 1880 she was disastrously investing large amounts of money under the advice of Mr. Sharon, because, as she says, "I believe he designed to take away my property from me;" if it had been possible to show she had a share of stock or a dollar of money other than that which we have shown, they would have produced the evidence of it; but the fact is, that she had just eleven dollars left of the seventeen or eighteen thousand dollars held on deposit for her by the Bank of California in 1878 and 1879. She had stocks which would not pay the advances already made on them, and her resources were so straitened that, on leaving the Baldwin Hotel she was compelled, from want of ready money, to pray an extension of time on a bill of a little over three hundred dollars.

This is the unquestionable historical fact with reference to the plaintiff's personal and financial state down to the time she left the Baldwin Hotel on the first day of June, 1880. Yet she swears that during that very spring while in such distress, in pursuit of a lover whose coldness drove her to attempted suicide; while destitute and impoverished and asking pecuniary favors from other men than her own relatives, the defendant met her at the door of the Bank of California and said: "I hear that you have become a stock sharp, and I would like to know what you know about stocks," and that he then and there invited her to come up stairs into his business office! Mr. Sharon says: "I never saw this lady in my life until the

month of August, 1880." A week or so later, she met Mr. Sharon again, as she affirms, at the Bank of California. He denies it. Was it so? What had she to take her to the Bank of California? She mentions the bank in this invention of hers because Mr. Sharon's office is over it, and because she at one time had a bank account there; but at the time she says she met him twice within a week at the door of the Bank of California she had not drawn a dollar from the bank nor had a transaction with it since the fall of 1879; and indeed, singularly enough, as the records show, from 1879 down to the period of Mr. Sharon's absence in Washington in 1881, she never was at the bank, nor had any transaction with it until the eleventh day of February, 1881, the date of her deposit of one thousand three hundred dollars of Mr. Sharon's money. The historical facts prove she had neither excuse nor purpose in entering the door of the Bank of California in the spring of 1880. She selects this place, however, because she supposed Mr. Sharon's habits would take him to that neighborhood, and she could manufacture the story of a conversation with him there. She states two conversations at this trysting place, and alleges that during the second one when she a second time declined to go to his private office over the bank, she invited him to come to the Baldwin; that he accepted her invitation, and while there, like Mr. Silas Wegg, forthwith dropped into poetry; that he made himself very agreeable to this broken-hearted and desperate girl; walked the floor, recited "Auld Lang Syne," and sang "Maid of Athens," that song which Mr. Tyler so fearfully recited here; and declared that if he were a woman, and a rich man were to come along and recite "Maid of Athens" to him, he would lift himself up, fall on the rich man's neck, and say: "Take me: I am yours." Mr. Wegg, by the by, was in the habit of taking gin, I believe, to make his voice easy; Mr. Tyler's prescription for all affections of the heart and for "mellering the organ" is to recite "Maid of Athens" and "Auld Lang Syne." Mr. Sharon says that this interview never occurred; that he was not at the Baldwin; that he did not meet her at the door of the Bank of California on either

of the occasions to which she refers, and never saw her until some time in the month of August, 1880, when she called, without invitation, and without previous acquaintance, at his office. We will see, later on, and in connection with other facts, what probability of truth there is in these assertions on either side. I take it that where matters lying wholly in the province of the individual conscience are at issue between the plaintiff and the defendant, your Honor, in those instances, will consider the whole testimony of the parties, and see to what extent either of them is corroborated or contradicted by facts and circumstances, or by witnesses about whose integrity and veracity there can be no possible dispute.

He denies that he ever saw her until August; she alleges that before she went to Oakland, on the first of June, 1880, he called at the Baldwin Hotel. She left the Baldwin Hotel on the first of June, 1880, without paying any part of her bill, though owing only three hundred and thirty-seven dollars. She went to Mrs. Hardenberg's, at Oakland, where she remained until Saturday, the twelfth of June, 1880, when she went to the Galindo Hotel, Oakland, and engaged board for herself and brother. Your Honor will notice how moderate her style of living was. She betook herself to a second-class hotel in a suburban town, herself and her brother together paying seventy-five dollars per month, or thirty-seven dollars and a half each. Here she remained till the sixth of September, 1880, when she returned to San Francisco and again took rooms at the Baldwin, where she continued to reside until she went to the Grand. Her story is that while she was in Oakland, and until the first of July, she repeatedly visited Mr. Sharon's office. She says she went there often enough to inspire him with passion for her. She was there, she says, repeatedly during the month of June. She does not remember their conversation, except that at one interview they discussed stocks and his Senatorial prospects. But when pressed by Judge Evans to tell how many times she was there, and what it was that took her to such a place so frequently, she replied, "I

cannot tell you ; I paid no particular attention to my visits to Mr. Sharon's office, because he was of no particular consequence in my life until after we were married." She says, " He wanted to call on me." Mr. Sharon says, " I never wanted to call on her. She came two or three times to my office in August and September, but I never thought of calling on her until she was at the Baldwin Hotel in September." She swears Mr. Sharon was eager to call on her at the Galindo Hotel. If he was, why did he not do so ? He did not go. He was never inside the Galindo Hotel. If he wished to call on this lady, who was coming repeatedly to his office, unsolicited, does not your Honor suppose he would have gone ? What was to prevent him ? No earthly hand barred the way ; her relatives took no interest in her ; she had lain dying with poison in the month of May in Doctor Murphy's office, and not one of them came near her ! She had moved away from her friends and family in the month of June, and there are no traces of intercourse between them. If he had wished to visit her, would he not have gone ? She says, " He wanted to drive me out, and we did drive out," and, to make this story good, she swears they had a clandestine appointment in some street, she does not know where, in Oakland ; that Mr. Sharon came by appointment in a two-horse wagon ; that she climbed into it from the sidewalk, and they trotted out to the neighborhood of some cemetery, and that, on returning, he put her out in the street, and she paddled home through the dust !

Mr. Sharon says this is not so ; that he did not know her ; that he never went to Oakland for any such purpose, and never took her out driving in a wagon with a pair of horses in his life. There is no evidence to substantiate her statement, and we shall see presently what likelihood there was of its being true. As the month went on she made these repeated visits, and he began to talk about liking the girls. She says, " He talked to me almost every time I went there about liking the girls, and how the girls liked him." He wanted to know " If I could not like an old man like him, and all those kind of things. I kind of ignored the conversation ; it was not what I went for, and I laughed it off." Why, then, did she visit him ? Her pretense is that she went there to get advice

about stocks. There might be nothing discreditable in her visiting him if she wanted; she had passed beyond the period of life when youth alone is apt to lead a woman into indiscretion. She was carrying on business on her own account, buying and selling stocks, visiting banks and brokers' offices, and, judging from what we have seen of her here, was as well calculated to look out for herself as any woman who ever drew the breath of life. But she says that, notwithstanding Mr. Sharon's insulting approaches, it was not what she went there for! It would have been exceedingly desirable for her to produce testimony to show that she was a visitor on legitimate business, because Mr. Sharon says, "I never talked about stocks with her in my life, except once, and then she had fifty shares of Alta or some little stock, and asked me whether she should sell it, and this occurred long after we became acquainted." Did she have any legitimate business in Mr. Sharon's office? We say she had not a dollar. We have proved by Mr. Baldwin that in April, 1880, she was overwhelmed with debt; that her stocks were not worth the money advanced on them; that she could not pay her bill at the Baldwin, and that her account at the bank showed that she had only a small nest-egg of eleven dollars. Does not your Honor suppose that if it were historically true that Miss Hill was carrying on an active stock business in the summer of 1880, and went to Mr. Sharon during that time on that business, she could not show what it was? Most unquestionably. While counsel have undertaken to prove almost every necessary or unnecessary fact by Mammy Pleasance, they have omitted to prove this most important circumstance. They have not attempted to show that her financial condition was different to what we prove it was, or to disprove the fact that she was poor, broken in finances as she was in heart, and having no more to do with stock operations in the summer of 1880 than with the domestic economy of the palace of the Emperor of China! She says she can remember his first specific proposition, but not its date. I wish to make a commentary upon this story which will apply to all incidents related by her. Running through them all is a sin-

gular want of moral sense; her inventions are all of a low, degraded and unwomanly character. She is apparently without the slightest moral perception. The least knowledge of the way in which human character manifests itself in the bearing of good and pure women would condemn the bent of a mind which could invent such a tale as this unfortunate woman is willing to repeat here. Judge Tyler asked her "When did he, if he did at any time, make any distinct proposition to you about anything?" Now listen!

"I do not remember the date. I went over there and Mr. Sharon sat down on the sofa by me and said something about if I would—he was teasing me about a gentleman, and said he was surprised I would be in love with that shyster; that I could get an old man like him if I wanted it; and he went on in that style. He said he would like to have me love him and would like to have me let him love me. I said I had no objection to any gentleman loving me. He said he wanted me to love him. I said there were very few people I loved in the world. Finally he made his questions so pointed that I could not help either—

Q. (interrupting.) You will have to come out and tell us about the pointedness of that question. What was it he said to you at that time? What did he say to you?

A. He said if I would let him love me he would give me \$1,000 a month and give me Flora's horse, that white horse, and he would do—I do not know what all he was not going to do.

Now, sir, without referring to the ancient and familiar line,

"He comes to neere that comes to be denide,"

Let me ask what more you want to know of the young, innocent, virtuous, confiding woman, who will go to an elderly man's private office and receive propositions such as this, which would strike the soul of any honest girl with horror? It is not too much to say that the girl who could receive in a man's business office or anywhere else, a proposition of this nature and not rise in indignation and leave the place forever, might just as well go upon the town! It did not worry her at all. She says, "Finally I got up and said, I think, Mr. Sharon, you have made a mistake in the lady. If you wish to make love to women in that style, there are plenty of women that you can get for much less money than that."

Think of such conversation on the part of a young, innocent, virtuous and confiding girl! "If you wish to make love to women in that style, there are plenty of women you can get for much less money." She adds: "I got up and Mr. Sharon got up and put his back against the door and said he was only teasing me; that he was really in love with me, and wanted to marry me."

When, since one loving heart first sought another did sun or moon look upon such wooing? A rich old man, worth fifteen or twenty million of dollars, besieged in his office by a female speculator, proposes to pay her a thousand dollars a month and give her his daughter's white pony if she will let him "love her," and when she, with a knowledge of the market, replies: "I am no such woman, you can get other women a great deal cheaper than that if you want to," he rises and says: "Oh, I am only teasing you; I want to marry you." She says: "I said if he wanted to marry me it was all right, but I did not like that kind of talk. I was a girl and had to attend to my own affairs. I would not allow any man to speak to me in that way; that he had made a mistake."

"Q. Was that about all that occurred on that occasion?
A. We talked quite awhile that afternoon. He said he did like me, and liked me better than any girl he had ever seen since his wife died, and would like to marry me; that he had asked about me and found I was a nice young lady and of nice family."

Heavens and earth! To make such a proposition to a young, innocent, confiding maiden concerning whom he had been making inquiries; and to make it only after he had found she was such a "nice young lady," and of such a "nice family." Miss Hill continues:

"He went on to say—but I do not think it was just at that time—that he wanted to marry me and marry me secretly. I said that I did not want that kind of talk. He said that he had a girl at Philadelphia and that he had given the mother money and sent her on with the girl; that he did not think it was his child, but that they could come out to Nevada and make a good deal of trouble at his election; that they had nothing to lose and a good deal to gain."

Q. He wanted to be married secretly?

A. I said if he wanted to marry me in that way I did not wish to hear that kind of talk.

Q. You say the reason he gave you was this talk about the girl?

A. I said I did not believe that. Mr. Sharon took a letter out of his pocket, and tore off one-half and gave it to me to read, and you have that half.

The letter was produced. Its unmentionable filth cannot be recited in this presence. I ask your honor if it is within the range of human credulity that such a wooing ever occurred? The defendant might be the most corrupt minded man who ever lived; he might have been full of the worst designs against this innocent, confiding girl; but it is contrary to every principle of human nature to suppose that a man of his age, sense and shrewdness would ever undertake to assault the fortified heart of a virtuous young woman by such propositions as these, and establish his claim to make the marriage clandestine, by proving to her by the production of a filthy letter that he had a child by another female? Did ever mortal woman conceive a tale so low, so degraded, as this, except that other story I shall describe later, and to which the gentlemen on the other side have not yet alluded, of her having, on the last day of May, 1882, put her lieutenant, Miss Nellie Brackett, behind the bureau in her husband's bedroom, and introduced this bud of seventeen summers into the mysteries of the marriage bed. All along the line is found blundering, nauseous mendacity. It is not even high lying. It is not even romantic lying. The mind that could conceive such stories is poisoned and rotten from centre to circumference. No good woman since marriage was instituted among Christian people, would receive such propositions as she swears she did. No man, not fit to be put with other idiots on the sunny side of the Almshouse, would make them. He would affect a virtue if he had it not, while wooing such a maid. She says Mr. Sharon gave her the address of the writer in order that she might obtain confirmation of his story of their previous illicit relations, and satisfy Miss Hill's pure soul that he really did have a mistress and an illegitimate child in Phila-

delphia. Mr. Sharon says he never gave her this letter, and that he never had it in his office. He did receive a letter from a woman in that city, destroyed part of it, kept the remainder, wrote the address she had sent him on an envelope, put it in the drawer of a table in his apartments in the Palace Hotel, and never saw it again. How did she obtain possession of it? She took both letter and envelope during some one of her numerous searches for private papers which she might use to his injury, and on these she now builds these incredible falsehoods. She says that in the last of June or early in July, 1880, Mr. Sharon spoke of going to the country and privately marrying her, but arrived at no conclusion; that subsequently he was in the habit of sending his servant to the Galindo Hotel with verbal messages, requesting her presence at his office and that to these messages she invariably responded. That at a later interview they talked again of marriage; she desiring marriage according to the rites of the Catholic Church, while he objected to any solemnization. Finally he said "There were such things as marrying people by acknowledging before people," and showed her a judicial decision to the effect that because a man simply introduced a woman as his wife, she came into all his estate. This presumably satisfied her scruples and she consented to be married by agreement. Still she was not quite satisfied; and Mr. Sharon said she could think of it: that he was going to Virginia City and would be back on the twenty-fifth of August. It is somewhat surprising to hear of these repeated visits to Mr. Sharon's office; of this growing intimacy between them; of these propositions for marriage; of all this discussion of marriage, extending over so considerable a period, and to notice also that no human being of her acquaintance, not one of her relatives or friends was aware that she had ever met him under any circumstances.

On the first of July, 1880, just at the time Mr. Sharon was pressing these marriage propositions so hotly, Mrs. Bornemann and her children went to Oakland to visit her. Miss Hill and Mrs. Bornemann were at this time intimately associated. Mrs. Bornemann first met her at the house of her aunt, Mrs. Bryan,

and maintained an acquaintance with her during eight or nine years. Mrs. Bornemann apparently knew all about Miss Hill's movements. Your Honor will recollect that while the plaintiff was unable, for reasons best known to herself, to mention any dates whatever, her friend Mrs. Bornemann gave the dates of her moving from the Baldwin; of her stay at Mrs. Hardenberg's; of her visit at the Galindo; of her going to the Baldwin, and of her taking up her abode at the Grand Hotel in 1880. Yet Mrs. Bornemann swears she never heard of Miss Hill's acquaintance with William Sharon until the fourth day of November, 1880, when she met him for the first time in Miss Hill's apartments in the Grand Hotel. She had never heard Miss Hill speak his name. These two women were constantly together; they were both together in the company of gentlemen; with Hossack, the painter; with Howland, the photographer; with Lieutenant Emeric and with Lieutenant LeFevre of the navy. They took a moonlight and midnight drive with Howland and Hossack to the Fourteen Mile House and apparently enjoyed each other's confidence.

Miss Hill was given to boasting of her conquests, but she never mentioned the defendant's name to Mrs. Bornemann until the fourth day of November, 1880.

Sir, not one of the plaintiff's friends or relatives was aware of her acquaintance with Mr. Sharon until she was living at the Baldwin Hotel in September, 1880. That is an indisputable fact. I submit that, in view of all these circumstances, the natural conclusion to be drawn is that during the spring and summer of 1880 she did not know him, and had no association with him. Later on, facts occurred which make her story still more incredible, to say nothing of the fact that up to this point, Mr. Sharon maintains a general denial of the whole.

Ki says that in the month of August Miss Hill called to see Mr. Sharon for the first time, giving her name as "Miss Howard." She saw Mr. Sharon and stayed fifteen or twenty minutes. She subsequently called twice during this month. After these three visits Ki did not see her again till he took a note to her

at the Baldwin in September. He took notes to the Baldwin twice in September. Her second visit in August was a week or ten days later than the first. He "put her right in this time." She stayed about half an hour. Before she was ejected from the Grand Hotel in December, 1881, she visited Mr. Sharon's office three or four times.

She called many times for money after that time. The defendant swears he met her first in his office early in August, 1880. He had never seen her before. He denies specifically all her tales of previous acquaintance. At this interview she introduced herself, said she was living at the Galindo Hotel, in Oakland, and wanted to make some inquiry about stocks. He gave her no advice. About the twelfth of August she called at his office. He had a pleasant chat of half an hour with her, and she retired without being invited to renew her visit. Now, Miss Hill swears that their intimacy had very greatly advanced at this time; that on the last visit but one before they were married, she gave into Mr. Sharon's hands seventy-five hundred dollars in gold notes. This circumstance has not been alluded to by the counsel who have preceded me. Neither Judge Tyler nor my friend Colonel Flornoy has made the slightest allusion to this most remarkable falsehood, invented solely for the purpose of escaping from the effect of the final settlement of her meretricious relations with Mr. Sharon, made on the seventh day of November, 1881. She swears she had been taking his advice during the summer in respect to stocks, and had sustained heavy losses, and on the last visit but one to Mr. Sharon's office before the marriage, they conversed about money. Her alleged reason for entrusting to Mr. Sharon money is ludicrous: "I had been losing money all the summer by his advice, and I thought if I would give him money, he would do better by me than by taking his advice; so I went to the Bank of California for my box in which I had seventy-five hundred dollars in gold notes." Judge Tyler put this question to her: "Just state the circumstances and what occurred at that time? Where did you have this money?"

A. In a box in the Bank of California, in the charge of Charles G. Gummer, who attended to my business in the Bank of California.

Q. In what was it, coin or notes ?

A. In gold notes.

Q. State exactly what occurred at that time, what was said and done ?

A. He said if he told me, I would be telling it. If I gave him the money he would operate for me, and he would manage it and see it was sold out at a proper time. Of course I never supposed Mr. Sharon was going to cheat me. I trusted a gentleman before with my money without any receipts. Mr. Sharon was a wealthy gentleman, and I did not think he was going to cheat me.

Q. Now, then, go on and repeat the conversation that you had with him after that. You have already said that he said he would see that it was sold out at the proper time. What did you do then ? Did you have the money there present ?

A. No, I went down to the bank and brought it up to him.

Q. And you gave him \$7,500 ?

A. Yes, in gold notes.

Q. Did you take any receipt for it ?

A. No, I did not ask for any receipt.

How does the alleged possession of this mythical money tally with Mr. Baldwin's testimony that during the spring of 1880 she repeatedly begged him to carry for her an account that would not carry itself, on which more was due than the stocks were worth ? How does it accord with the fact that she was not able to pay her bill at the Baldwin ? How does it agree with the fact that after leaving the Baldwin Hotel, in debt, she went to a second-class boarding house in Oakland ? Will your Honor believe, when you look at her bank account and other facts, that it was possible that this woman had seventy-five hundred dollars in gold notes in August, 1880 ? She did not have a hundred dollars. She had no money she could call her own except this diminutive nest-egg of eleven dollars left in the Bank of California in February, 1880. If she gave Mr. Sharon seventy-five hundred dollars on that day, what became of it ? Mr. Sharon's secretary, Mr. Dolinson, who handles all his cash, has testified that no such money ever came into the office ; that there is but one place for the deposit of valuables in the office, and that is a safe, the combination

of which he himself keeps, and which Mr. Sharon does not know. We produced Mr. Sharon's books of account kept by Mr. Dobinson showing the entry of all receipts and disbursements, and they contain no record of the receipt by Mr. Sharon of this apocryphal seventy-five hundred dollars in suppositious gold notes, taken from an imaginary box in the Bank of California in the custody of a man now in his grave! Mr. Sharon says he never received a dollar from her in the month of August or at any other time; and never had a business transaction with her. Look at her account with the Bank of California. Miss Hill did not reflect that it could be produced and examined, when she invented this tale. It was true that Mr. Williams, a friend who made a good deal of money for her in 1878-9, did pay her in May, 1879, \$7,500. The account shows that she deposited on May 22d, 1879, \$7,500. September 6th she deposited \$2,000. When her account was balanced December 1st, 1879, she had \$375 to her credit. On the 4th of December she deposited \$1,335; on the 5th of December \$2,550. At the time of the deposit of \$1,335, this capitalist had to her credit only \$73. In other words the seventy-five hundred dollars she got from Mr. Williams had been entirely consumed before Christmas, 1879, and could not by any possibility have been in Charles Gummer's keeping in the Bank of California. When this fact appeared, she made another of her seemingly adroit diversions, and said, "Oh, it was not this seventy-five hundred dollars; I did deposit this. Mr. Williams gave me another \$7,500 in gold notes for a particular purpose, which I did not deposit. I put it in my tin box where it remained until I gave it to Mr. Sharon." Will counsel answer this question? Why, if the plaintiff had seventy-five hundred dollars in gold notes lying in her box in the Bank of California during 1880, did she go to Mr. Baldwin in the spring of that year and beg and implore him to take up and carry her imperilled stock account? Will they tell us why, if she had all this money, her stocks disappeared from the face of the earth, and why she does not explain what became of them? The

natural conclusion from the testimony of Mr. Baldwin is that, to use the technical language of the street, she was "sold out." Her stocks were not worth the money advanced on their purchase, and the brokers sold them. Yet, with seventy-five hundred dollars in gold notes in a box in the hands of this gentleman, now dead, she could not pay her small bill when she left the Baldwin, and had to submit to the humiliation of begging for delay in its collection. Will anyone believe that Mr. Sharon would receive from a woman so large a sum of money as seventy-five hundred dollars in gold notes, in his business office and leave them on his table, or carry them off in his pocket? Will anyone believe that an intelligent and experienced business man would receive, in trust, seventy-five hundred dollars in gold notes and not make an entry in his books of account? The story is an untruth. What is the object of it? It is to escape from the inevitable effect of the money transaction between her and Mr. Sharon on the seventh of November, 1881. Sir, whatever else may be doubtful, the tale of this transaction is proved to be absolutely untrue. It rests upon her bold assertion, without corroboration; it is denied by the defendant; it is denied by his bookkeeper; it is refuted by his books of account kept at the time; it is denied by her known financial condition; it is denied by every fact and circumstance of which we have any knowledge. The poor creature who invented it, who has endeavored to impose it on your Honor's judicial belief, was not aware when she concocted and attempted to maintain it, how difficult it is to forge an historical lie.

I shall not ring the changes upon the maxim, "False in one, false in all," but I venture to say that there is not a single fact or circumstance of disputable matter, and such as does not lie within the province of her own individual conscience, concerning which she is not completely contradicted by thoroughly competent evidence, and that this is a signal instance of such refutation.

Why, sir, if the plaintiff were suing to recover from William

Sharon seventy-five hundred dollars, which she deposited with him on the twenty-third of August, 1880, and were to go through her story just as she told it here, and the defendant denied it, produced his books and his book-keeper to disprove it, and showed her financial condition as it has been exhibited; and there was no fact or circumstance which tended in any way to corroborate her, would any jury give her a verdict for her money? Is there a Judge who, if the jury, moved by that morbid sympathy which sometimes overpowers them when tolerably good-looking women make intolerable claims against rich men, should give her a verdict, would not set it aside almost before it was recorded? Sir, this story is a silly falsehood. There is no escape from this conclusion; and the motive for it is plain enough.

'Now sir, we come to the great day when Miss Sarah Althea Hill was duly united in wedlock to William Sharon. I need not rehearse its events as she recites them, further than to say she went to Mr. Sharon's office in the busiest hours of the business day for the purpose of entering secretly into this marriage. She found him already prepared and nervously awaiting her, armed with a law book from which he read a decision, and with a pocket edition of the Civil Code of this State, to prove the legality of the proposed marriage. There was a lonely scrap of paper on the table, for his preparation had omitted all usual and decent writing material. He first sat down to write, then rose and surrendered the pen to her. She sat down in such haste that she did not even remove her gloves. She wrote this marriage contract with gloves upon her pretty hands, and in haste, because her husband was about to depart for Virginia City, Nevada. He signed it and she took possession of it. Mr. Dobinson says he never saw a law book of any kind in the defendant's office. Mr. Sharon says he never had a law book there at any time, and never one from which he dictated the document presented here, and moreover that he never suggested marriage to the plaintiff or discussed it with her in any form or at any time. He swears that he never knew what the law of California was

on the subject of marriage until, after his arrest, Hon. Roscoe Conkling read it to him in New York, in September, 1883; and he swears that before he saw this document in Judge Finn's court room he did not believe it existed. She says Mr. Sharon was in haste because he was going to Virginia City that afternoon, and that after the wedding he went his way and she returned to her Oakland boarding house. What is the historical fact? Mr. Sharon not only did not go to Virginia City that afternoon, but he was here in San Francisco all the afternoon and night of the twenty-fifth; he was here all the day of the twenty-sixth and all the night of the twenty-sixth; he was here all the day of the twenty-seventh and all the night of the twenty-seventh; he was here until the afternoon of the twenty-eighth, when he went to Virginia City; and yet this woman would have your Honor believe that Mr. Sharon who was so madly in love with her—I will not use the indecent and vulgar language employed by her own counsel—who was so anxious to possess himself of her person that he was willing to rush hotly into a secret contract of marriage, left her on his wedding day! It would have been a most extraordinary act if he had done so, but the historical fact is he did not go away until the twenty-eighth, and had no intention of going. But they are now married! Let us review the courtship. During its progress there had not been a solitary note exchanged between this lover and his mistress. After the first of June she resided in Oakland, and Mr. Sharon was continuously in San Francisco. She says she had visited him at his office and met him by appointment on the public streets; had received dishonorable proposals for the sale of her person, without anger, and continued an intimacy which culminated in a marriage, the terms of which were equally degrading. But there were no letters, not even a *billet doux*. The sole medium of communication between this high-born descendant of one of the royal families of Cape Girardeau, in the State of Missouri, and this lowly scion of the house of Sharon from Smithfield, Ohio, had been a Chinaman, to whom she swears Mr. Sharon intrusted all his tender and loving verbal messages and

those numerous summonses to his office to which she yielded such prompt obedience. She had no "Herald Mereury new lighted on a heaven-kissing hill" to bear her verbal messages of love. How she managed, when she was at the Galindo Hotel, to send her tender promises and whispers of her virtuous passion to her lover's office over the Bank of California, is a miracle not yet explained. Ki denies flatly that this embassy was ever intrusted to him; that he ever was Envoy Extraordinary and Minister Plenipotentiary representing one of these high contracting powers. Mr. Sharon pronounces its narration as an utter falsehood. Where lies the probability of truth? Of this intercourse there exists not a particle of evidence beyond her bare assertion, and this is denied by all concerned. It is also contrary to every probability founded upon human experience. Imagine a man deeply enamored of a woman from the early spring until August of 1880, separated from her for two months, and yet during the whole of that time never writing her a single line! Imagine a man worth twenty millions of dollars, who can spend money like water on the entertainment of his friends; whose hospitalities are princely and lavish almost to ostentation: deeply enamored of a woman for such a period, nevertheless not making her a single gift of any description, however simple, or enjoying her society in public for an hour. He passed every day on his way to the place to which she was speeding to meet him, many repositories whose windows blazed and sparkled with all the precious gems from the mines, and pearls from the seas, set in curious fashionings of silver and of gold; crowded with solicitations to extravagance as vast as love's sweet madness, and holding up the very rarest offerings of generous affections, tempting the purse of the ardent lover. He has passed the florists more perishable, but not less beautiful treasures; wildernesses of flowers, those tenderest gifts of affection, fittest tokens of loving thought, whether laid upon the cradle, or worn by the bride, or dropped upon the grave. Yet this lover never gave this mistress a jeweled memento of his adoration. Not a bunch of flowers

did this wooer give this unwilling maid! He did not even give her a box of candy! There is not a hoodlum in Tar Flat whose girl is coming to see him in his den who would not send out and get her at least a box of sardines and a bottle of beer! Yet week after week and month after month, according to her story, was this woman wooed by this modern Croesus, and all he bestowed upon her was one recitation of "Auld Lang Syne," one song recital of "Maid of Athens, E'er We Part," an obscene letter from a woman in Philadelphia, and a marriage contract like this she exhibits! Was she courted? Never! Was she married—married without the knowledge of a human being besides herself and Mr. Sharon—married by private contract in a business office on California street, at high noon, and then bundled off to Oakland by her once so ardent lover, now suddenly become a husband so cold, not to meet him again, by her own confession, until the ninth of September? If your Honor please, the fact that William Sharon was in San Francisco not only on the twenty-fifth but on the twenty-sixth, and on the twenty-seventh, and on the twenty-eighth of August, and that during those days he never laid eyes on this woman whom he married in such hot haste, is sufficient to disprove the marriage.

Your Honor remembers Rosalind's raillery of her cousin, the love-sick Oliver? She tells the history of the hasty consummation of hasty marriages. She says:

"Oh! I know where you are.—Nay, 'tis true. There was never anything so sudden, but the fight of two rams, and Caesar's thrasonical brag of—'I came, saw, and overcame,' for your brother and my sister no sooner met but they looked; no sooner looked, but they loved; no sooner loved, but they sighed; no sooner sighed, but they asked one another the reason; no sooner knew the reason, but they sought the remedy: and in these degrees have they made a pair of stairs to marriage, which they will climb incontinent, or else be incontinent before marriage. They are in the very wrath of love, and they will together; clubs cannot part them."

Here was a lovely woman, rejoicing in the pride and beauty of her youth, an object, according to her own account, for all adoration—married to a man who, if actuated by base motives was willing to sacrifice his honor, but insanely in love if he honestly

proposed marriage, who nevertheless turns away from such an altar as she has erected, and sends his bride back to the shades of the Galindo, when he possessed in San Francisco two large hotels of his own, and could find in them ample and secret accommodation for her for at least those three days before he went to Virginia City! It is impossible to believe they were married under the circumstances she relates; that Mr. Sharon was in San Francisco until the twenty-eighth, was then absent four days, and was here again until the ninth, and yet never saw her and she never saw him. Those facts alone stamp her tale as a falsehood.

I pause here to examine this alleged marriage contract. Colonel Flournoy says if this is a genuine paper, plaintiff has a case. If it is not, Mr. Sharon needs no defense. I expected argument upon this document. I expected it would be analyzed in the light of the testimony. I expected to listen to an attempt to convert this tattered ensign of her shame into what her counsel call her badge of honor; but what have they done? Mr. Tyler has denounced Mr. Hyde. He has denounced George C. Hickox. He has denounced Mr. Hyde's instruments. He has flown at the microscope as though it were an animated, thinking being, bearing witness, as truly it did, against the integrity of this precious instrument; but the testimony of the experts and the revelations of the binocular are wholly ignored. There is not a word of attempted explanation of facts which are absolutely damning.

Now, if your Honor please, I propose to discuss the marriage contract, and to establish, if I can, from the facts which appear on its face, as well as from the evidence of the expert witnesses, that it is as clumsy and vicious a forgery as was ever concocted by an ignorant and desperate criminal.

Disregarding for a moment the expert testimony which has encountered such severe and most unnecessary abuse, I will not call it criticism, from one of the counsel who has preceded me, I ask your Honor to look at this alleged exchange of marriage vows in the aspect it would present to the ordinary observer upon superficial examination and without microscopic

investigation, scientific tests or calculations carefully made of distances and contractions.

First. The ordinary observer would be compelled to notice that it is written on a half sheet of commercial note paper. It is commenced on the top line of the second page about half an inch from the upper edge of the paper, and is finished above the first line of the first page, about an inch from its upper edge. The first page consists of twenty lines; the second page of four lines, the first of which is written as near as the pen can be driven to the upper edge, and the last line is so closely followed by the words "William Sharon, Nevada," that the upper part of the "W" barely escapes contact with it. The words on the last portion of the first page are plainly more crowded on the lines than similar words on the upper part of the page. The space devoted to writing is evidently economized. The last four lines on the second page are very much closer together than the ruled lines, and are, in fact, written as closely as they can be made to approach each other, and on these lines the words are not only very much crowded, but the space is further economized by condensing the words "City and County of San Francisco, State of California," as used in the lady's vow, into "The City of San Francisco, Cal.," and the word "and" is contracted into the character "&," and the description of the residence of Sarah Althea Hill is wholly omitted at the close, while it is studiously paraded in the vow of the lady. The ordinary observer would be apt to conclude that such circumstances and facts were not the result of mere accident, carelessness or haste, but resulted from the fact that space was limited, there being already something on the second page above which it was absolutely and imperatively necessary to inscribe the instrument.

Second. The ordinary observer would naturally notice an evident want of harmony of relation between the closing lines of the instrument and the writing following it, purporting to be the signature of William Sharon, his residence and the date. He would notice that the signature and the word "Nevada" extended over more than three quarters of the ruled line upon

which they are written. He would notice that it does not look like a signature to the instrument, but rather as if written there for some entirely different purpose, while the date below is at an unusual distance below the name, if it was ever intended to be considered as part of the document or as its date.

The ordinary observer would look at the signature with the rubric beneath it, and notice also the singularity of the second rubric, that is, that there are rubrics beneath both the signature and the date.

Third. The ordinary observer would also notice that while most of the writing in the body of the instrument is in a firm, fair, positive hand, and in places almost microscopically written, indicating at no point, either carelessness, hesitation, mental excitement or physical disturbance of any description, there are numerous words which are very strangely patched—not from the blurring which sometimes occurs when ink is thick and muddy and hangs upon the pen, but that sort of blurring which is manifestly the result of retouching or “painting over,” as it is termed. He would notice that such retouching has been effected with an ink or fluid different to that employed in the rest of the writing; and he would especially notice that the body of the instrument is written with an ink easily distinguishable from that employed to write the words “Wm. Sharon, Nevada, Aug., 25th, 1880.” His naked eye would discern these peculiarities, and with the application of an ordinary magnifying glass, would expose these curious facts with absolute certainty; he would notice also that the words which precede and follow this painting, or retouching, fail to indicate that it was the fault of the pen, or the ink.

He would naturally say, that if these phenomena were not accidental, they were necessarily designed. If designed, there must have been a reason for their occurrence. What would be his conclusion upon such facts, especially when he learns with amazement, that it is claimed that the lady who penned the body of the instrument was in great haste, under excitement, writing at dictation, and with her gloves on, while at the same time he plainly sees that though prepared under

these extraordinary conditions, the entire document in all respects, evidences the greatest deliberation and the most patient care. The conclusion would irresistibly follow that these are natural and intentional blurs and patchings, were superimposed upon the instrument after it had been written, to give it a careless appearance, and to match the tale of its origin, and he would also conclude that this effort had been a most signal and dismal failure in view of the self-evident deliberation which is manifestly exercised throughout the remainder of the writing.

Fourth. The ordinary observer would also notice other marked peculiarities in this document. He would notice with surprise that the lady leads off in the declaration of the marriage vow. He would notice that the instrument did not purport to be a joint declaration, but the parties seemed to exchange promises as by a sort of improvised marriage ceremony, each declaring the vow for herself and himself, and in rotation. He would naturally say that this in itself is a most remarkable circumstance, because it is so wholly unusual and contrary to every established custom. He would remember that in every form of exchange of marriage vows he had ever seen, heard or read of, from the solemnization directed to be used in the sacrament of marriage in the Catholic Church, and the marriage ceremonies employed in all other denominations of professing Christians, down to the depths of the most inartificial and clumsy language ever employed by a Justice of the Peace, it falls to the man to declare himself first. If the ordinary observer were searching for the reason why this lady and gentleman thus departed from a custom so general, he would be apt to conclude without much hesitation that the reason for this departure from custom, propriety and maidenly modesty, grew out of the necessity of the case.

Fifth. The ordinary observer would also notice that the language of the instrument is exceedingly inartificial and clumsy; it is not such language as a fairly educated business man (to say nothing of an intelligent, trained and skillful lawyer) would employ. It repeats what is not essential to be

repeated. It omits important matters which such a document would be sure to contain if prepared or dictated by one familiar with the preparation of legal documents, or accustomed even to business composition; especially when aided by the Civil Code of the State which the author had before him, and which he had been carefully studying before the exchange of marriage vows was written. He would notice that it commenced with a queer, sonorous, measured phrase: "In the City and County of San Francisco, State of California, on the 25th day of August, A. D. 1880." He would notice that this was altogether needless verbiage, but that it is precisely that sort of language which would appear to an inexperienced or unlearned person, and especially a woman, to sound well and give the document an air of formality, like a Notarial certificate.

He would remark that the lady then goes on to describe herself after this heading, as "of the City and County of San Francisco, State of California," and that she again dates the silence clause "August 25th, 1880, San Francisco, Cal.;" that she gives the same sort of sonorous venue to the declaration of the gentleman, and now, to complete the absurdity of these unnecessary repetitions of the *locus* of the parties, she makes the gentleman, after being described as "Senator William Sharon of the State of Nevada" no fewer than three separate and distinct times, finally sign to his vow the words "Wm. Sharon, Nevada, Aug. 25th, 1880," making in all four dates and three Senators! The ordinary observer would remark that the use of the word "Senator" in this or any other instrument in the nature of a contract is a term of identification that such a man as this defendant would be no more likely to employ if he were dictating any instrument of any description than he would, in the preparation of any other contract, make use of such words as "Stephen J. Field, Associate Justice of the Supreme Court of the United States and Judge of the Circuit Court of the United States, Ninth Circuit, in and for the District of California," party of the first part, and "His Excellency George Stoneman, Governor of the

State of California, United States of America," party of the second part; yet if this same ordinary observer had seen this lady's correspondence, her numerous letters and communications, he would say at once that the use of this word "Senator," is singularly like her universal method of describing the gentleman. She always says "Senator." In but two instances in her letters does she use the word "Mr." Generally it is "Senator;" "My dear Senator;" "My dear Sen;" "The Senator:" "Senator Sharon," and so on *ad nauseum*. The employment of this word "Senator" in such a connection is essentially feminine and especially characteristic of this piece of femininity. No man would use it, or permit it to be used in the preparation of any document, and still less would the defendant have ever dictated it. The name appended to the instrument is plain "Wm. Sharon." There is no "Senator" there; and Mr. Sharon has too much sense to put it there or anywhere else. It is the woman's method. It is essentially the woman's style; nor would Mr. Sharon have been guilty of adding a date beneath his name if he had already been guilty of the stupidity of dating one instrument three separate times. He certainly would not have placed it where it is found, if he had been signing this instrument, or any species of contract. Look at the words "do here." They are also most unnecessarily and absurdly repeated in both contracts. The writer says "do here in the presence of Almighty God," "do here acknowledge and declair." May it please your Honor, no lawyer, no business man, would ever so express himself. That appeal to the presence of Almighty God, that calling on the Supreme Ruler of the Universe to witness this act of crime is as hideous a blasphemy as was ever uttered. It is like the appeal to God made in that fraudulent letter of the first of June 1882, clearly manufactured as I will show your Honor, since this case has been on trial, and containing intrinsic evidence that is conclusive to the mind of anyone who observes it, that it is built to bolster up that infernal and salacious story of Nellie Brackett behind the bureau. In that letter she says "all I could do was to prey." (She spells

it "prey" but that does not make any difference) "all I could do was to prey to God for his support in my trials." She appeals to him through her correspondence. Her use of that sacred name is made under circumstances in which it would not be made by any human being who was undertaking to prepare a contract, and not attempting to perpetrate a fraud.

Now your Honor will see the words "lawful and wedded" are peculiarly tautological and belong essentially to the plaintiff's vocabulary. It will be found in her letter to the Reigarts of the twenty-fifth of September 1880, in which she describes Mr. Sharon as her "lawful and legal husband." It will be found in the testimony parroted here by young Rodney, "Senator, you know I am your legal, lawful and wedded wife." The same observation would occur in reading the words "acknowledge and declair," though your Honor will notice that in the last declaration the word "declair" is omitted. Upon these circumstances the ordinary observer would be apt to conclude that the style and composition of the whole instrument, its general phraseology and expression are utterly foreign to the habit of any intelligent and educated man.

Sixth. The ordinary observer would also conclude at the very first glance at this paper that its physical appearance is exceedingly suspicious.

There are dangerous and venomous animals which the Great Creator has endowed with such physical repulsiveness that, though a man had never seen them before, he would instinctively recoil from them. Nature warns him to avoid them. If the man and the creature meet, it is because the man is pursued and caught, and not because he voluntarily touches the rattlesnake on the road or the tarantula on the desert. So with this paper. There is something about its appearance and general aspect which crowds it with suspicion of fraud from its beginning to its end. It is soiled. It is scraped. It is scratched and creased. It presents evidences of having been pressed or ironed out. The gloss or finish of the paper has been destroyed; and it has been scorched with a hot iron. It exhibits extensive manipulations upon some lines, while there are none upon

others. The whole document has a ragged, disreputable and almost disintegrated appearance; though professedly not more than four years old. Truly this unfortunate document has had a hard time of it, and its misfortunes can be in no sense ascribed to the handling of the defendant. Miss Hill says it was preserved by her with sacred care, so deeply were her peace, honor and happiness involved in its preservation, from the twenty-fifth of August, 1880, until some time in the summer of 1881, with her alleged husband's full knowledge and consent; he recognizing it all that time at least as a valid marriage contract. He could not therefore have desired, if he had possessed the opportunity to deface or partially destroy it, and she could have no motive to treat it differently to any other valuable paper whose preservation is most desirable; but we are told that from the fall of 1881, or the time when she was ejected from the Grand Hotel, it has passed through many and severe tribulations. The sufferings of Job, in all their horrors, were not to be compared to the vicissitudes to which this precious document has been subjected, and which give it the appearance of extreme old age and utter decrepitude. Though not dead it has been buried in the ground. It has been exhumed, dried, pressed, carried about the lady's person, sewn in her garments, or in some other place where perspiration has drenched and stained it; it has been stuck behind a looking-glass in the frowsy habitation of a negro; it has been folded and refolded, creased and recrease, wrapped in oil silk, and has been handled and treated in every way on earth, except that in which valuable and important papers are usually handled and treated.

Why was this? Why, sir, there is not to be found in the State of California, or anywhere else among civilized and Christian people, from the lowest order of society to the highest, any one who would not take better care of a valuable paper. A Piute squaw, who had her marriage contract written on a piece of pine bark would guard it as the muniment of title to her Indian chief, and the badge of legitimacy of her papposes, with better care than Miss Hill has taken of this sacred paper.

Was there any excuse for her neglect? What reason could there be for subjecting a document of this kind to such handling? She claims to be an intelligent woman. During all these years she has had dealings with banks where valuable papers may be deposited. She has had a box in the Safe Deposit Company. She has had a tin box in her uncle's safe. She has had a brother who is a partner in one of the leading commercial houses of this coast. She has had at hand every means of protecting it. She has had knowledge enough of business to be able to protect it; and yet this sacred muniment of her title to "Senator William Sharon of the State of Nevada," and the evidence of her right to share in his vast estates, has been most brutally neglected and maltreated; has suffered cruelly with superimposed dirt and abrasion, especially in those folds on the first page where writing crosses the folds, almost the only points where special and local injuries have been inflicted.

Your Honor will notice, if you will look at the page on which the signature of Mr. Sharon is written, that the portion of the paper below his name and address is comparatively clean and fair. The marring and effacements, notably on the second, seventh, fifteenth and eighteenth lines, amounting to almost absolute obliteration, are in the very vitals of the instrument, and do not make their appearance on the unoccupied portion of the paper beneath the signature and date. It seems to me the ordinary observer would conclude that such erratic injuries to the very substance of the paper could not be due to any accident; that these local and special injuries to its very substance could have been caused by no general decay or exposure to moisture of earth or air, or to the pungent perspiration of the human body, or to contact with unclean substances of any nature whatever. He would naturally conclude that wherever special and local, they were designed and intentional defacements and injuries; and when to these confessions, wrung from the paper itself, he learned that the gentleman whose name is claimed to be appended to it swears he never signed it; swears he never saw it until produced in court;

swears that the lady herself made no demand upon him for the restoration of her conjugal rights before urging on the proceedings against him, in which Neilson and Tyler sprang upon him unawares with a criminal prosecution, charging him with adultery, and tardily followed that voluntarily dismissed criminal prosecution by a civil suit, he would conclude that the lady who now presents this paper found it in Mr. Sharon's apartments, with his name written upon the top line of the first page, during some of her forages among his private papers, and that it had not then been folded. He would conclude that she took it, folded it, and carried it off; that she refolded it, and kept it in her pocket-book until it was soiled and creased, folded it again and again, laterally and longitudinally, in that very common way women have of folding a bit of paper designed to be taken away or temporarily secreted in a small receptacle, such as women generally carry.

He would conclude that when she discovered it could be employed for its present criminal purpose, it was soiled and badly creased; that, before writing upon it at all, she attempted to iron it out flat and smooth, damping it to aid the flat iron in its work, and thus injuring the gloss and finish of the paper, and slightly scorching the surface.

He would conclude that it had been kept so long folded in her pocket-book, or hand-bag, that the creases and the dirt were manifestly below the writing, and not above or over it, and that the discovery of these circumstances, and the knowledge that the paper itself would bear conclusive testimony against her, made further tampering, above the writing she put there, essential, and it was done, but by no means successfully; and he would conclude that the document was dirty, creased and worn when the writer was compelled, for want of a better piece, to appropriate it to its present nefarious design, and that these defacements were added after the simulated contract had been written out, to cover that which had occurred before a line was inscribed on it, except the name and address of William Sharon, Nevada, and the date.

Sir, this wretched forgery has been described as the "honor"

of the plaintiff. Her advocates have followed her lead and have taken their stand beneath it as yeomen of old fought beneath a knightly banner. They have followed it with a loyal fidelity worthy a better cause. They have declared their personal faith in its absolute integrity, and with a vigor which is simply amazing, are yet struggling to obtain for it the seal of your Honor's judicial approbation.

Sir, to any man on earth who would examine that paper, without hearing a fact or circumstance connected with it, without knowledge of Mr. Sharon's age, position and character, without a particle of information concerning this lady who claims to have written it at his dictation, it would be evident, on its face, that it is a fraud undeserving of confidence, of palpable grossness, and very far from being any badge of honor to this unfortunate woman. No, sir; it is not a badge of honor. Her case would have been a hundred times stronger than it is to-day, if this nefariously begotten crime had never been produced. If this document had never been put before the public, and she had stood here telling her simple story without this crime in her hand, to make fools believe in it, she would have stood in a far better position than she does. Your Honor has it now before you. It is no badge of honor, but rather the tattered ensign of a piratical conspiracy, flouting mankind with its shameless emblazonment of perjury and crime.

If your Honor please, we may have failed in our efforts to satisfy this Court of the strength of our case. We may have failed to lead your Honor's intelligence to what seems to us, as advocates, to be the intuitive decision of any ordinary mind, which would set it aside as unworthy of credit, and as a clumsy as well as guilty act of deception. Our conclusion may not be your Honor's decision. The vices of this false claim to wifehood may have assumed such marks of virtue that they are not discernable to the judicial mind, which must carefully act upon evidence, not on conjecture, not on presumption or upon facts not proven. But whatever shall be our failure, or the plaintiff's success, this miserable instrument will still forever remain as it is to-day, a crime and a forgery.

Sooner or later its history will be confessed by those who have shared in its preparation, or have been accomplices in this conspiracy. "Murder will out." The hand of Providence, that wrung from poor old True his remorseful death-bed confession; that led to the exposure of the perjuries of Wells, and turned to a ridiculous falsehood the plaintiff's narration of an interview on Sutter street with two gentlemen, who, if not Wells and True, were miraculously situated in precisely the same circumstances in the same street, on the same side of the street, in the same portion of the block, and at the same time, will yet be laid upon other burdened consciences of other perjurers, and we shall yet hunt this conspiracy to its end, if it has not already been brought to a disgraceful and shameful death.

I have hitherto spoken of the phenomena this document present to ordinary observation. Let me now address myself to the testimony in the cause, given by persons whom we have presented to the Court as peculiarly skilled in the examination of documents, and specially fitted for such investigation. I shall not waste the time of the Court in answering the attacks made by Mr. Tyler upon the integrity and candor of Mr. Hickox and Mr. Hyde. Both have lived long in this community; longer, I think, than Mr. Tyler himself; one of them in the profession of the law has attained a standing as an honest man, which Mr. Tyler will vainly struggle to regain during the remainder of his natural existence. Mr. Hickox is well known to every man in this community, as a plain, blunt, honest, straight-forward, clear-headed, impulsive man. No man can attack the moral character of those men and remain himself unstained. No man can lay a hand on their white garments and not be himself destroyed. Mr. Tyler, I am certain, has produced no effect whatever on your Honor by his constant vilification, especially of Mr. Hyde, who, to the enormity of asserting the truth, has added the insolence of demonstration. He is no more able to overthrow the rushing and overwhelming tide of his testimony, than he could stand beneath the Falls of Niagara and with his hands push back its roaring torrent to the lake! The attacks he has made upon

these witnesses without undertaking to discuss their testimony or attempting to point out a single inconsistency, or endeavoring to assist the Court in coming to a conclusion on the facts here presented, only hurts himself—if he can be hurt.

Your Honor (I venture to presume without knowing the fact) has a personal knowledge of both of these witnesses; but whether this conjecture be correct or not, I am confident the balance of justice is so evenly held in your Honor's hand, that detraction and insinuation, begotten by well-founded dread of the effect of their testimony, will have no weight to turn the scale, if unsupported by nothing more persuasive than the vilification of an excited and reckless lawyer.

I call your Honor's attention, first, to the testimony of Mr. Hyde. I desire to remark that it does not often occur that a court is enabled to witness the painful care, diligence and zeal bestowed by an expert witness upon documents submitted to him. The rule adopted and enforced by your Honor, permitted the examination of this document, as well as all others in possession of the plaintiff, to be made only under the eye of the court, and in the presence of the plaintiff's counsel, and under many disadvantageous circumstances. I will not refer at length to the repeated attempts made by Mr. Tyler, during the progress of this investigation, to insult and tease Mr. Hyde. He knew Mr. Hyde's nervous disposition. He understood precisely how he could best annoy him, and he did it with a skill and devilish ingenuity no man has ever yet seen equalled; but, sir, the bane brought with it the antidote; and your Honor knows that what this witness has stated is the result of the ultimate reach and finish of human care and industry.

Mr. Hyde's examination of the paper was first addressed to the numerous and very remarkable foldings in the instrument. His examination, aided by the microscope, of the wonderful resources of which Mr. Hyde is an acknowledged master, led him to the discovery of the mode in which this paper had been folded. He found that the two folds first made at the top and bottom divided the paper into three parts; that the top fold was between the fifth and sixth lines, and the bottom fold be-

tween the thirteenth and the fourteenth ; that succeeding these was a set of folds made by folding the paper in two at the middle, and then repeatedly doubling it until it became a long, narrow strip, about an inch wide, containing seven folds. These he characterized as nine principal folds, which he describes by reference to the lines of the contract as follows : The first was over and through the second line ; the second between the fourth and fifth lines ; the third between the fifth and sixth lines ; the fourth through and under the seventh line ; the fifth over the tenth line ; the sixth under and slightly through the twelfth line ; the seventh between the fourteenth and fifteenth lines ; the eighth under and partly through the fifteenth line ; and the ninth under and slightly through the eighteenth line. He found also a longitudinal fold through the middle of the document from the top to the bottom, and also a longitudinal fold about seven-eighths of an inch from the right-hand margin on the front page, extending from the top to the bottom. The first principal fold above on the second line extended through the paper and ran under the twenty-fourth or last line on the opposite page, touching a portion of the line of writing.

He also found other folds, which he describes as secondary, which I need not mention. He found that the signature of "William Sharon, Nevada," with the date beneath, was written on the first line of the first page of this half sheet of note paper. He also declared that, in his judgment, the body of the contract was written after the paper had been folded. He explained the effects of folding upon paper, and the nature of writing over folds, and demonstrated with his instrument that the ink with which this document was written had in many points flowed into the folds by reason of capillary attraction. He found and exhibited to your Honor what seemed to me indubitable physical facts that justified fully the expression of his opinion. He found that before the paper had been written on, the sheet had been pressed and flattened out, and that its history, in these respects, was clearly exposed in various places upon lines two, seven, fifteen and eighteen, and partially on

line twelve. He found that the writer of the instrument observed these palpable evidences that the writing had been made after the paper had been folded, and had resorted to rubbing, abrasion, scratching and mutilation of the paper as effective means of effacing from observation the revelations of these truth telling lines. He found, also, that while this work of destruction had been done upon the principal folds, the secondary or subordinate folds had been overlooked by the ordinary inspection of the naked eye of the writer. The effect of the writing on these subordinate folds was not so plainly visible as those upon the principal folds must have been. He pointed out and exhibited to your Honor many instances where the document itself confessed more potently than any language the fact that the body of the instrument had been written after folding.

Your Honor will find his detailed statements of these instances commencing at folio 3832 of the testimony, and extending to folio 3883.

Without burdening your Honor with the repetition of these instances in detail, it is enough to say that in from between fifty and fifty five places on the first page of the contract he found indubitable evidence that the writing had been superimposed on the folds; and he says that the evidences which he has exhibited to your Honor of this circumstance are to him, as an expert, perfectly plain, and that he can make them as plain to others, to use his own language, "as foot-prints stamped upon a rock." He testified concerning the double folds found upon the face of the instrument, and as to the extent and character of the rubbing that had been done upon these folds. He states that while some of the appearances of rubbing are slight, in the case of other folds it is clearly established. He found in the double fold on part of the four principal folds, under line seven, very marked evidences of rubbing. He says that the rubbing on that line seven has been so great as to take out entire portions of the writing, and that it bears the appearance of being scraped. It might have been done with a sharp instrument, or it might have been done with human nails; but it

has the unmistakable appearance of having been scraped as well as rubbed. He finds the same indications on part of the sixth principal fold under line twelve. He finds in the eighth principal fold very marked evidence of rubbing and scraping. He finds in part of the ninth principal fold, passing through line eighteen, very marked evidence of rubbing, rather than of scraping, though there are evidences of scraping in the latter part of the line. He calls your Honor's attention to the fact that four of the principal folds directly cross the lines of writing. That those lines where the writing and the fold coincide are the ones which are so roughened and scratched as to destroy the evidence of writing after folding. He says the signature "Wm. Sharon, Nevada," and the date were written before the paper had been folded at all, and he has exhibited to your Honor in the instance of this signature what he considers the characteristic effect of folding after writing. He finds the same species of evidence in the word "August," where it is crossed by the central longitudinal fold. He finds the same evidence in the same word where the writing is crossed by one of the secondary longitudinal folds, and he concludes his testimony on this subject by declaring: "I have testified only from facts that were absolutely within my observation, and these are the facts which I have exhibited to the Court with my microscope, and from these facts I testify positively that folds were made in this paper before it was written upon, and that other folds were made in the paper after it had been written on, that both are shown on the paper." And, while he affirms the certainty of his conviction that writing was done upon the paper before it had been folded, he also demonstrates that the paper has also been folded since the super-addition of the writing, and he draws a clear distinction in each case.

Now, what shall be said of this testimony? Will the Court give it credence? To what extent your Honor has discerned the facts upon which Mr. Hyde based his opinion during your constant, careful and painstaking investigation of this paper beneath the eye of Mr. Hyde's binocular, of course I cannot say, nor perhaps is it worth while for me to take time in expressing my private opinion, founded upon my personal obser-

vation of the document through the microscope, and I might add I do not think it proper for me to become a witness as well as counsel in this or any other cause. But this certainly may, with propriety, be said that this document has been at all times in the possession of the plaintiff.

Now, sir, we have in this city a Microscopical Society of which Mr. Hyde has at one time been president, and of which he has always been a prominent and respected member. That Society counts among its members the most intelligent and scientific observers to be found upon this coast, and perhaps equal to any to be found elsewhere. If Mr. Hyde's discoveries of facts were not discoveries, but falsehoods; for the manufacture of which Mr. Tyler has with slanderous tongue asserted that he has been paid—if his conclusions from the facts which he imagined he found, were erroneous, nothing was more easy than to establish the falsehood, and demonstrate the incorrect deduction. Why, sir, should the honor of the plaintiff in this action be left at the mercy of a hired witness, brought here to defame and degrade her, selecting imaginary points of weakness and parading them with a binocular microscope of the highest power to this Court, and no contradiction be possible?

In San Francisco live men like Doctor Harkness, Justin P. Moore, Charles Wolcott Brooks, Professor George Davidson and many others; and if we go outside the pale of civil life, and within that of the church, of whose teachings the plaintiff claims to be a devoted adherent, there is Father Neri of the Jesuit College, than whom a more scientific, patient, faithful, loving and loyal devotee to religion and science never lived. How readily could this lady and her advisers have had access to this learned and pious man, had they desired or dared to seek his counsel, and though—for I know not—the rules of his order might have inhibited his taking the stand as a witness, yet I do not doubt that in the cause of justice, and in behalf of the right, that learned priest might have been induced to give to Court, counsel and cause the benefit of his great learning and his lofty character. They have not attempted to employ expert

testimony upon this instrument. It is true that in the early part of the trial they did have about the court room a creature that would at times stand on its hind legs, and that went by the name of Lionel Lawrence. He was regarded as the expert of the plaintiff.

Mr. Terry—He held himself out after the second week as your expert.

Mr. Barnes—Lionel Lawrence was the only expert for the plaintiff ever spoken of in connection with this contract, and I see by the papers that he is now indulging in a period of involuntary seclusion in the House of Correction for the unlawful practice of his expert hand on another man's watch.

What folly for gentlemen to denounce Mr. Hyde, who has made the examination of this paper with these results, and never attempt to controvert what he has said; to have neither submitted it to the examination of any human being whom we know of, nor undertaken to deal with it in any way. I ask your Honor, is it not probable that such attempts have been made? Is it not likely that this document has been submitted to persons such as I have named, perhaps to some of those I have mentioned? And if this be true the failure of the plaintiff's managers to controvert, not only the existence of the facts to which Mr. Hyde has testified, but the conclusions which he deduces from those facts, is most significant. If they have consulted them, they have not dared to produce them. And, sir, if they have *not* gone with their precious document to such persons as I have named; if they have not exhibited it to skilled and scientific men, what shall be said of that omission? Either course is a confession of weakness and of guilt, and I leave the counsel to impale themselves on whichever horn of the dilemma they may find less destructive to themselves.

I need hardly recall to the Court the desperate and futile efforts made by Mr. Tyler to involve Mr. Hyde in contradiction or to induce him to modify or change the views thus positively expressed. His cross-examination continued for weeks, yet every successive assault made upon his testimony only demon-

strated more clearly the firm foundation of fact and judgment upon which Mr. Hyde's conclusions were based; and also the extent and thoroughness of his general acquirements. I believe your Honor will agree with me that rarely has a witness made his appearance on the stand who has exhibited so much general information upon the subject in hand, and matters cognate thereto, or who has come out so triumphantly from the furnace fed by Mr. Tyler's satanic fuel.

I next call your Honor's attention to Mr. Hyde's testimony with reference to rewritings and alterations on the face of the contract.

The existence of these is not disputed, though when I consider other comments of counsel upon the facts in the case, I am surprised they do not stand here and declare that to all human observation there are no erasures, or any evidences of tampering, at any time, with this instrument. We have no positive information as to how these changes were made, nor the purpose they were designed to effect. All this must be left to conjecture, and such deductions as we are able to make from circumstances so remarkable. It is certainly noticeable that the plaintiff has not attempted, in any manner, to explain all this rewriting and patching made confessedly by her own hand upon the contract. If I understood Mr. Tyler's argument, these facts—the rewriting, patching and alteration—were due to the hasty dictation of the instrument. Look at it, and see if dictation could produce such results in the way of rewriting and alterations as are visible on the face of the alleged contract, when the bride was writing with her gloves on, and her lover was listening for the whistle of the steamer that was to bear him from her loving and beloved embrace to the sage-brush city. But there is no evidence offered to support this idea, and nothing can be found in the contract to sustain such a theory. The rewritings and alterations occur on thirteen different lines. There are seventeen words or parts of words that have been rewritten or scratched with a knife, and

in some instances they have been subjected to both operations. They are as follows :

"S" in "San," line one.

"Althea," line three.

"of," line three.

"of," line three.

"of," line three, is erased and scratched.

"City and," line four.

"Sharon," line seven.

"and," line nine.

"wife of," line ten.

"State," line eleven.

"Sarah," line twelve.

"of," line fifteen.

"paper," line fifteen.

"Mr.," line sixteen.

"S," line sixteen.

"do," line twenty.

"to," line twenty-two.

"lawful," line twenty-three.

"d" in the word "acknowledged," line twenty-three.

Take these in detail. The "S" in the word "San," on line one, has evidently been rewritten, begun in one way and finished in another. The word as commenced to be written was given either a long and tall "S," as some people write, or else it was the ordinary small letter. Mr. Hyde says this letter was probably written small at first, and then changed, and for it was substituted the characteristic "S" in the plaintiff's handwriting. The word "Althea," on the third line, was originally plainly written and was then rewritten. The entire word is written over, except the letter "e."

In the word "of" on line three, the "o" has a mark upon it in light-colored ink different to that in which the body of the instrument is written, while the body of the "o" is deeply filled in with ink of a darker hue, and a portion of this word "of" has also been partially scratched out.

The upper part of the letter "f" appears to be intact, while

the lower part furnishes evidence that it has been written over with the pen. There is an erasure about the middle of the "f," and principally on the right hand side of it, as if a portion of the ink there had been scraped out to leave a smooth up and down stroke.

The words "City and" on line four, and the first letter of the word "County" have been rewritten, except a very small portion of the word "City;" that is to say it was written apparently as the rest of the line was originally written, and then painted over. The word "and" has been entirely rewritten.

The "C" in the word "County" has been written over to the termination of the down stroke; and the ink upon this word, if the same ink, was not in the same condition as that used for the previous writing. While the former is thicker and blacker, the latter, Mr. Hyde states, is a very light fluid ink and has left a light film upon the paper. The rewritten portion is thicker ink, and creates a very marked difference between the two, so much so that it is as perceptible as the difference between black hair and gray hair.

In the word "Sharon" on the seventh line, the letter "S" and part of the "h" have been rewritten. The letter "S" is over the place where there was originally a long up-stroke letter. It might have been part of the next letter "f," or any of those up-stroke letters, and the witness says he cannot determine which it is, because the letter "S" has so obliterated it. The ink, moreover, on these writings presents the same characteristics as that on previous words.

The word "and" on the ninth line has been written, as far as can be determined, over another word "and." But the ink on that word as last penned, is much darker than that on previous writings.

The words "Wife of" are extremely noticeable. Here is the strangest feature of the whole paper. In that first marriage vow of the plaintiff, the significant word was, from what motive it is impossible to conjecture, entirely omitted from the original writing which your Honor has before you. She says: "I do acknowledge and declair myself to be the of Senator

William Sharon of the State of Nevada." What she was to be was left to conjecture until after the instrument had been some time written and completed, as Mr. Hyde says; and the glass shows it here with a distinctness and clearness which was the occasion of the nearest approach to lingual paralysis that ever I saw attack George W. Tyler. It paralyzed him. The instrument had been written and the word "wife" left out. She says: "I am the of Senator William Sharon of the State of Nevada." When she discovered it we cannot know, but the instrument itself confesses that it was long after it had been written and the ink was dry and hardened, that she undertook to make the alteration. And how did she effect the change? She attempted to remedy it, not in the usual way, by writing the word "wife" above the line and indicating its proper relation to the sentence by a caret, but by the interposition of other letters. The attempt to rewrite that word is one of the most significant circumstances in this whole document. "Wi" was placed before the letter "f" of the word "of," and between the space following the "e" and the beginning of the word "Senator" the word "of" was inserted, showing therefore, a rewriting so as to make it read "the wife of Senator William Sharon." There is no fact in the history of this paper that is more transparent to ordinary human observation, to say nothing of the exposure made of the fraud when put under the eye of that microscope. We could see where the original writing had been, and the color it bore. We could see it was dry and hard, and the "W" and the "i" and the "e" were in a different ink, superimposed above the other. The original word was so hard and dry that the second writing lies there upon it in a mound, and has never amalgamated or mixed with the original word.

In this case, also, there is a very marked difference in the ink between the original writing and the alteration. Here the difference is much more marked than in the case already spoken of. There is a very decided difference in the ink, or in the shade of the color. This correction was not made un-

til the first writing had become thoroughly dry and failed to absorb the ink as it would have done while fresh. Both inks are distinct and different. Your Honor can see that the ink last used overlies that first used, and lies on it as a coat of varnish will lie on paint, not mingling with it, but superimposed.

Next, the word "State," on line eleven, has been written over the word "State." Here the ink bears the same appearance as in the other places, and the difference is very marked between these inks as to their depth of color. In the signature of the plaintiff to her declaration, the whole of the first word "Sarah," except the letter "h," has the appearance of having been written over something else. I do not know whether your Honor now recollects its appearance under the microscope, but Mr. Hyde's description of it is in the testimony. It is exceedingly fresh in my recollection. Mr. Hyde does not pretend to say what is written beneath, but the evidence of the word "Sarah" having been superimposed on some other word is there, though no portion of the original underlying word remains. The same is true of the "of" on line fifteen. It has been rewritten, and with an ink of a different hue to that used in writing the body of the contract. In line fifteen the word "paper" appears to have been written over the word "paper," and presents the same appearance as the previous rewritten words to which I have referred. Under it is no trace of the original word, whatever it was, except in the lower part of the first "p."

Now, take that word "Mr.," on line sixteen. That has been rewritten, as far as can be determined, over the same word, and it has not only been rewritten but it has been erased or scratched with a knife or some other sharp-pointed instrument.

Your Honor will remember the remarkable appearance of this word when it was placed under the focus of the binocular, and how clearly and indisputably the rewriting and erasures were shown. The glass demonstrated that some sharp instrument had been employed, and that a portion of projecting ink had been dug out so as to give a shape to the stroke "M" in the first instance; then there appears to have been too

much ink on the right of the first down stroke of the "M," which has been erased or taken away with a knife; and, thirdly, there was too much ink to the right of the second down-stroke of the letter "M," which was also dug out with a knife. I am sure your Honor remembers the curious appearance this presented, under the glass.

The signature to the silence clause, on line sixteen, was originally written "A. A. Hill," and afterwards corrected by converting the "A" into an "S."

The word "Do," on line twenty, has been rewritten, so far as the letter "D" is concerned, and the "o" of that word bears the appearance of having been written at the time the change was made.

From this circumstance Mr. Hyde infers that the word "Do" was not there originally. It looks as if the character "&" was originally written, and was turned into a "d." It very clearly and unmistakably presents this appearance.

The word "to," on line twenty-two, the second line of the second page of the instrument, has been written over some other word. The word over which it was written did not look like the word "to" when subjected to the test of the glass, but Mr. Hyde was unable to tell precisely what it was, though it had lines and indications about it that did not seem to belong to the word "to."

The word "lawful," on line twenty-three, is written over some other word. Under the glass, the framework of the previous word was shown to be the word "wedded" or "married."

The "d" in the word "acknowledge," on line twenty-three, shows that the up-stroke on the "d" is of a newer and later ink than the body of the instrument, and helped to make the "d" more distinct.

The word "self," on the twenty-fourth line, has been rubbed and erased in places, but by what means the witness has been unable to discover.

Here, then, are seventeen words or parts of words, that have been tampered with upon this contract. When were these

corrections, alterations and superscriptions effected ? Was it at the time the plaintiff claims she was seated in Mr. Sharon's office, at his table, in hot haste to finish the paper, in order to enable her husband to make that apocryphal visit to Virginia City ? Did she then and there go over it, retouch, paint, alter and correct it into its present singular appearance ? Did this hot-headed and impatient lover of hers stand quietly by, or walk the room, while the bride, with her gloves on, traveled painfully from one end of this paper to the other, making these seventeen alterations and erasures, some of them with a knife and the rest with a pen ? Will any reasonable human being accept this story as the truth ? No one of these alterations and rewritings could by any possibility be accidental, or, from the appearance they present, be other than intentional.

Why, sir, the writing which precedes and follows, makes it impossible that they could have been due to any fault or thickness of the ink, or to any failure of the pen to perform its labor. They were then not accidental, but deliberately designed, and there is but one conclusion to which a mind seeking the truth can by any possibility arrive, and it is this : that when this forgery was effected, and the story so glibly told by the plaintiff of the circumstances under which it was written, was invented, the document, which then exhibited no manifestations of haste, was deliberately blurred, blotted and scratched, the writer being impressed with some stupid idea that a paper hastily written must of necessity contain blurred, blotted and erased words. It was then that it was tampered with ; then that it was put into its present miserable condition so far as these words are concerned, and the purpose was to give color to a statement which the paper in its then condition plainly refuted. I was struck with a remark made by Colonel Flournoy : He turned and triumphantly demanded, " What if the paper has been altered ; what if it has been rewritten and scratched, and the words painted over and retouched ? They make no difference in the sense of the document." Who ever said that they did ? Certainly not my associate, and most assuredly I make no such claim ; but while the gentlemen have dwelt upon

these facts they have furnished not the slightest explanation of them, nor presented to your Honor any reasonable theory to explain why such pranks were played upon a document that constituted the honor of an innocent, confiding girl, and a faithful, loyal wife.

With respect to the self-evident progressive contractions in this document, and its remarkable minuteness as compared with her generally bold and dashing handwriting, Mr. Hyde stated that he had compared Exhibit No. One, the marriage contract, with the exemplars in the plaintiff's handwriting found in Exhibits Two, Three, Four, Eight, Ten, Eleven, Twelve, Thirteen, Fourteen and Eighteen, and that the handwriting in the contract was much smaller and more minute than the handwriting in any of the exemplars which had been submitted to him. He says that the first eleven lines of the document are between three-fifths and three-quarters of the size of her average handwriting, and in the two subsequent agreements, the silence clause and Mr. Sharon's vow, the writing is a little more than one-half the size of her average handwriting, and is between one-half and three-fifths.

When cross-examined upon this testimony, Mr. Hyde was required by Mr. Tyler to compare the size of the writing in the first ten lines of the contract with the first ten lines of defendant's Exhibit Two—the long letter written by the plaintiff to the defendant just after Mr. Thorn had notified her to leave the Grand Hotel. It was found that Exhibit Two had seventy-nine words on the first ten lines, while the contract had seventy-six words on the first ten lines. Mr. Tyler enjoyed a transient jubilation over this discovery until it appeared that though the space occupied by the first ten lines of the contract appeared to be in a larger writing than Exhibit Two, yet such was not the fact, as the seventy-nine words or parts of words in Exhibit No. Two contained two hundred and eighty-nine letters, while the seventy-six words in the contract contained three hundred and eighteen, so that it appeared upon the whole that the ten lines of the contract were written so much smaller than a corresponding space in Exhibit No. Two,

as to contain a greater number of letters, equivalent to about one entire line, than the corresponding space in Exhibit Two, and that the difference was about ten per cent.; and your Honor will remember that the opening lines of Exhibit No. Two are by far the smallest writing of the plaintiff found in any of these exhibits, outside of the contract.

A comparison was also made of the same first lines in Exhibit No. Two with the so-called "silence clause," and the percentage of contraction in the "silence clause" as compared with the first ten lines of Exhibit Two, was between twenty-five and thirty per cent. The same comparison of Exhibit Two with the third or Sharon agreement was made, and the percentage of contraction was found to be thirty per cent.; and the result of all this testimony was, that taking the very smallest specimen of the ordinary handwriting of the plaintiff as a standard of comparison, the first contract is in writing ten per cent. smaller than the standard; the second contract, or silence clause, also is in writing between twenty-five and thirty per cent. smaller than the standard, and from fifteen to twenty per cent. smaller than the first. The third contract is also between twenty-five and thirty per cent. smaller than the standard, and from fifteen to twenty per cent. smaller than the first. These facts do not seem to need argument to show that the contraction in that instrument was intentional.

With reference to the different inks employed in the manufacture of the contract, Mr. Hyde says that the dash on line twenty-four, after the word "Hill," has been written with a different or a thicker ink from that employed in writing the body of the contract, and appears to have been written at a different time. His attention was directed to the ink in the signature of the defendant, and that in the body of the contract, and he gave it a careful and protracted examination with the naked eye, with the ordinary magnifying glass, and with the microscope. Your Honor saw all that Mr. Hyde claimed to see. He says that the appearance of the signature, as shown in the latter portions of the word, makes it manifest that the ink used in writing "William Sharon, Nevada, August 25th,

1880," contained a sediment which is deposited in various portions of the line, in places where the line is thin, because the deposit of the ink in the body of the signature has been so great as to make it appear thick and solid, but the presence of the sediment in the ink is manifest by contrast and comparison with the thin lines and other portions of the handwriting in the body of the contract, which contains no sediment. These differences in the ink were obvious. An additional method of testing them was suggested by the defendant's counsel, and stoutly resisted by counsel for plaintiff, and although the former pressed the point as far as courtesy to the Court would permit, and the Court itself expressed a desire to have a chemical test made of the ink, provided it could be done without injury to the Exhibit, the objections of the plaintiff's counsel were so strenuous and urgent that the Court finally decided not to permit the experiment to be made.

The microscope also disclosed that the color of the later applications of ink to the contract had been actually impressed through the body of the paper itself, and proved by this fact that the ink used in making the alterations was not the ink employed in writing the original paper.

Your Honor will remember that these phenomena presented themselves very clearly in

The word "and" on line nine.

The words "Wife of" on line ten.

The word "Sarah" on line twelve.

The word "of" on line fifteen.

The word "paper" on the same line, and

The word "Mr." or "W" on line sixteen.

The microscope also discloses places in the contract showing that some re-agent, probably an acid, has been applied to this unfortunate sufferer. The indications appeared on the first half of line fourteen, on the entire length of line fifteen, and especially where the word "paper" is found, and on part of line sixteen.

The microscope also discloses spots of a mauve tint, and other colors, on the surface of the contract. Mr. Hyde found

traces of purple or mauve ink, as it is called, in several places along the right hand edge of the first page of the contract, and he indicated the places with the microscope, though they were not visible on the photograph nor under a magnifying glass of ordinary power. They did not appear to be traces of writing, but they were manifest on the paper. These traces were found after the word "the" on the fifth line, and under the word "unless" on the fifteenth line. Color was found in the folds of the second page, over the signature. Now it is a little remarkable that while on one day these marks appeared on the paper, were noted and commented on by the witness; yet on a subsequent day, when the matter was again referred to, these marks or indications which were so plainly visible under the glass, had wholly disappeared, and the paper presented evidences of their removal. Mr. Tyler undertook to account for these manifestations by suggesting to the witness questions that indicated his own child-like faith in some story some one had told him that this precious document had been carried under the arm of the plaintiff, had reposed in her bosom, and had been handled with gloves. This may perhaps be true, but the significant circumstance is that after they had been discerned and noted, in the interim of the adjournment of the court, some one had had the ability to entirely remove them from the paper, and had intentionally done so.

Now, if your Honor please, the testimony of Mr. Hyde, if we apply to it the rule established by Section 1844 of the Code of Civil Procedure, to which Mr. Tyler has so often referred in his argument, to wit: that the direct evidence of one witness who is entitled to full credit, is sufficient for proof of any fact except perjury and treason, should be conclusive and satisfactory, notwithstanding the plaintiff's testimony that the document was written wholly by herself, and at one time, in Mr. Sharon's private office, and when completed was signed by him, delivered to her custody, and has since remained in her exclusive possession without any change or alteration or correction being made in it. Does your Honor believe this? Can your Honor, after having examined it, as you have had the oppor-

tunity of doing, believe that this woman tells the truth when she swears that this paper was in the same condition (barring wear and tear and perspiration) when she received it from Mr. Sharon that it is in to-day? It is for your Honor to determine the truth or falsity of this testimony. Your Honor will be the arbiter of the fate of this instrument, and you will consider, in view of all these numerous exposures, what measure of truth or remote probability of truth there is in the plaintiff's statement as to the time, the manner, and the circumstances attending its writing and execution; and whether the testimony of the instrument itself, unconsciously furnished by the plaintiff's own hand, does not conclusively establish the utter impossibility of its having been prepared as she declares. But the testimony of Mr. Hyde does not stand alone, to challenge the criticism of the counsel or invite doubt on the part of the Court. Mr. Hickox wholly sustains him. He says that on comparison of the contract with other exemplars of the plaintiff's handwriting in evidence, he finds it unusually crowded and diminutive, containing a greater number of letters than in any corresponding space in the exemplars shown him, both horizontally and perpendicularly. He says it evinces deliberation and care in its entire preparation, and especially in the retracings, erasures and writings over erasures which occur all through it. He refers in detail to the same facts with respect to these retracings and erasures as are described by Mr Hyde, and adds to all the conclusions to which that gentleman arrived, the startling fact that in his opinion, the writer originally left a blank space between the words "existence" and "unless" in the silence clause, and subsequently inserted the words "for two years;" that the words "for two years" and the dash following them are written with ink of a different color to that used in writing the preceding and following words, and are wholly out of that harmony of relation which is universally found where one word is written after another in natural sequence.

Your Honor remembers the scene that occurred when Mr. Hickox made this statement. It brought the whole party to

their feet! It put a stop to the laughing, jeering and unseemly trifling in which this woman has indulged during the progress of this cause. For once it gave her a solemn countenance. For once she seemed smitten as with the hand of fate. Pale, trembling and speechless, she turned in paralyzed dismay from one of her counsel to the other, but they were altogether too much occupied in looking at Mr. Hyde to pay, at that moment, any sympathizing attention to her.

Your Honor will recall that you turned to the witness and said, "State that again, please, Mr. Hickox." The witness repeated his statement, and your Honor examined the document with thorough care. I know it startled the Court, as indeed it surprised me. I did not know Mr. Hickox's views of these documents; I had never heard him discuss the contract, and I confess I had never, in my observation, noticed this singular fact; yet, as often occurs, when my attention was directed to it, the instrument itself became a silent but an unimpeachable witness against the plaintiff's assertions; a witness whose disclosures would dissolve a cloud of witnesses far more portentous than that which has hovered about the plaintiff and maintained her cause. Mr. Hickox's discovery has gone utterly unchallenged. Nobody has disputed the accuracy of his observations, and indeed it could not be disputed. He was not even cross-examined by any of the four counsel for the plaintiff, concerning the discovery. It stared from the face of the document. It confronts the writer with a blunt and savage denial of the story engendered by her unhealthy moral nature and diseased imagination. It gives the deathblow to her recital of that filthy courtship, and to that degrading story of the proof, furnished by Mr. Sharon himself, of his intimacy with another woman, and how existing concubinage with another was the grand and controlling motive which impelled her to place herself in the like position for two years, so that her husband might find convenient opportunity, after the Nevada Senatorial contest was ended, to put away her rival and her rival's baby, and vindicate his loyalty to her by an act of treach-

ery to one whom she says was proved to her to be the bastard child of his old age.

This woman has been painted here as a young girl of pure and innocent life, and lofty lineage. She has made the statement that the man whom she was to marry by a secret contract that bound her to concubinage for two years, finally won his way to her heart by giving her a filthy letter, written him by another woman; and that just as soon as she found that it was genuine, and that the woman who wrote it had been his mistress, its persuasive powers far exceeded the poetic passion of the lines of the "Maid of Athens"; for when she knew that he had a mistress in Philadelphia, who was the mother of a child to which his paternity was claimed, and her tender and loving eyes had read the indelicate language of that letter, which, to her own injury and shame, she falsely swears he gave her, she turns and puts her innocent and confiding arms about his neck, lays that sweet face on his bosom and says, "My darling Senator, now that I know women write indecent letters to you; now that I know you have a mistress; now that you have convinced me you have a baby in Philadelphia, take me to your arms. Marry me by a private contract. Arrange it so that I shall seem to be your mistress, and not your wife for two years, and you will make me happy—supremely happy—as the angels in heaven. Now, dear Senator, let me once more hear you sing "Auld Lang Syne!" Did your Honor ever bear the like? Did any man ever hear it? Does the man live, of experience and sense, of knowledge of human life, and the principles that underlie human actions, who can entertain that falsehood? I deny it.

Now, sir, there lies the witness underneath the glass that covers the features of the confined dead. Your Honor can behold it and judge for yourself.

Mr. Hickox's opinion is further that all the writing which precedes the signature of "Wm. Sharon, Nevada," was placed there by the plaintiff after, and not before his name was there inscribed. He says that this signature was written upon the paper when it was perfectly smooth

and unfolded : and that the remainder of the instrument gives indubitable evidence of having been written after folding, and also after the paper had been subjected to some mechanical treatment. It seemed to him to have the appearance of having been moistened and straightened out, so that the whole surface of the paper had been more or less subjected to the action of moisture before it had been written on. Mr. Hickox was not even cross-examined on this subject or concerning his opinion of the alleged "dear wife" letters, which will be noticed elsewhere. It will be remembered that the defendant's counsel desired to examine this witness at length concerning what he denominated the progressive contractions in the contract, and to obtain from him calculations which would become a matter of record ; but upon objection being made that such work was not a part of the legitimate sphere of an expert the Court arrested the inquiry, but remarked that such calculations might be submitted by counsel as part of the argument ; accordingly we have procured the assistance of Mr. Hickox in the preparation of certain schedules and memoranda which are exceedingly plain and searching, and as simple as the nature of the investigation and the importance of the result will permit, and which at the conclusion of my argument I will submit to the Court. I shall be very happy, of course, to have them examined by the gentlemen on the other side. These schedules are designed to show by numerous mathematically measured facts, existing on the face of the instrument, that the plaintiff's version of the manner and circumstances of its production is wholly unreasonable and untrue ; and that the opinion advanced by the two expert witnesses that the contract and agreements contained in it were written above the already written name of William Sharon, is supported by the evidence this analysis presents, and that this opinion is further confirmed by the many erasures, rewritings, changes, additions, abbreviations, corrections and crowding of words ; by the writing above the folds in order to avoid folds existing in the paper ; by the destruction of writing which has occurred in folds : by the use of

different kinds of ink, and by all the other various inconsistencies which strike the mind of the non-expert observer of whom I have before spoken.

Mr. Hickox informs me that in order to thoroughly study, record for practical application and properly present the peculiarities of the contract, many copies of it have been required, and as photographs are unsuited to write upon, and otherwise inconvenient, he has caused a printed copy of the agreement to be made, as being more uniform, legible and convenient than a copy in writing, and which he has caused to conform as nearly as possible to the composition, spacing, punctuation and general features of the original.

Your Honor will observe that for convenience of reference to different parts of the contract, and for the avoidance of confusing repetitions, he has made two divisions designated "A" and "B," each including twelve lines.

Division "A" embraces the "First Contracting Clause," and the signature of plaintiff, being the contents of lines one to twelve inclusive.

Division "B" embraces the "Silence Clause and Date," lines thirteen to sixteen, and the "Second Contracting Clause," lines seventeen to twenty-four inclusive.

As a simple and easily verified means of examination and comparison, we have adopted the one-fortieth (1-40) part of an inch as a unit of measurement. This is selected:

First, because it is as small as the average unassisted eye can conveniently distinguish; and

Second, because being one-fifth (1-5), of one-eighth (1-8), it becomes decimal and may be more readily adjusted for comparison with the usually expressed divisions or fractions of one inch, such as "one-half," "one-quarter," "one-eighth," or any combination of them.

Your Honor will find attached to these schedules and the ruled and marked photographs accompanying them, a United States Standard Scale, which shows the subdivisions of an inch by fortieths, which scale may be readily applied by your Honor

for the purpose of confirming the measurements recorded in the schedule.

I may add that where the averages have required expression in fractions of a unit, the extension is by decimals to two points only, that being sufficient for all practical use in measurements so small. This work of comparison is contained in four schedules, marked respectively Schedule One, Schedule Two, Schedule Three and Schedule Four.

Schedule One exhibits by actual count the number of words and letters on each line, and a comparison of the same between the divisions "A" and "B," of which I have spoken. The red figures over each word or character are the numbers of letters they contain, and the extension of the columns shows the total number of words and letters on each line. Each division of twelve lines being separately added, and this sum divided by its number of lines, gives of course, the average per line of each division respectively, and the summary or result of this Schedule One establishes mathematically that division "B," or the last twelve lines of the contract contains twenty and eighty-three hundredths per cent. more words than an equal number of lines in division "A."

Schedule Two is prepared upon the basis of the space afforded by the full length of lines or the entire width of the paper of the contract as expressed in units of one-fortieth of an inch; the paper, then, being five and a quarter inches wide, gives a uniform length of lines of two hundred and ten units. The computations in this schedule are made by dividing the number of words and letters of each line into the whole space, and extending the average space per word and letter into its proper column.

Your Honor will find that for convenience in examination, and for the avoidance of confusion in many figures, different colored inks are used. These are sufficiently explained upon Schedule Two, and need not be enlarged upon here. It is enough to say that the summary or result of this schedule shows that the writer of this marriage contract has allotted twenty and eighty-nine hundredths per cent. more space on

the line to the letters contained in division "A," and for the whole of the division, than is allotted by her for the whole of division "B."

Schedule Three is based upon the entire space included from the beginning of the writing to its ending on each line, omitting the blanks at the beginning and ending of the line. The same form of computation is adopted here as in Schedule Two. The average of words and letters on each line is extended as before in units and decimals in the proper column and in the printed copy of the contract in this table. The rulings are all begun at the left hand margin, for the purpose of showing more plainly their comparative length, and together with this schedule is submitted a photographic copy of the contract, carefully ruled to correspond with the ruling on each line on the schedule.

The result of the work exposed in Schedule Three shows that the writer of the contract awarded 17.58 more linear space to each letter in the whole of subdivision "A" than is accorded to each letter for the whole of subdivision "B."

Schedule Four shows the separate measure of each word or part of a word, or single character, extending on each line the total of such measurements, and from this ascertaining the averages as in Schedules One, Two and Three. This Schedule will also afford a ready means of comparison of similar words occurring in both divisions of the contract, and one by which the shortening and crowding of the latter division are exposed, not only as to many particular words, but as to various successions or combinations of words. The ruling on the photographic copy accompanying this Schedule is as accurate as possible and will bear examination with the standard scale. As this Schedule deals only with the actual measurement of words and characters without regard to intervening space, it reaches the closest degree of comparison we are able to make on the plan of linear measurement and actual counts. Its results, however, confirm and accentuate those of the schedules preceding, and show by these measures and comparisons that the actual linear space occupied by each of the letters of division

"A" is 20.29 per cent. greater than was accorded to each letter in the whole of division "B."

I submit these schedules as calculations made by myself and as part of my argument, without going through the painful labor of reading them, a task which would occupy probably a couple of days.

We also hand to your Honor a document which we call the correction of the last clause of division "B." It is designed to show that if the whole contract had been continued and concluded in the same proportion of words, letters and spaces as is presented in division "A," and if in place of the abbreviations the complete words had been written, and the omitted words included, the result would have been that the entire contract would have covered five and a half more lines of writing than now appear upon it.

Your Honor will notice that commencing with the silence clause, and down to the end of the twentieth line, although compression is manifest by cramping words, while nevertheless repeating the very forms and words used in division "A," no abbreviations or omissions appear. The language of the instrument is harmonious. Mr. Sharon is made to repeat the same language and in the same form which the lady makes use of in disposing of her heart and hand, but upon turning the leaf, your Honor will remark that this was the point at which the writer first observed the condition of things. She discovered that the remaining space above the name of Mr. Sharon, which was already written on the top ruled line, was not only small, but altogether too limited for completion of the document according to the form adopted in division "A." She thereupon employed greater care, not only in economizing the space by increased compression of letters and words, but also achieved a further and studied contraction, which certainly cannot be charged to Mr. Sharon's method of dictation, by making seventeen omissions and two abbreviations, which, altogether, enabled her to finish the document as it appears, in four lines of unruled space, and crowded both horizontally and perpendicularly. To this so-called contraction clause of

division "B" is appended a printed copy of the contract in the form in which it was written, with the examples of correction of contraction attached. Your Honor will notice that the original contract occupies precisely twenty-four lines.

To this are appended three slips, colored respectively pink, blue and buff, and numbered Correction No. One, Correction No. Two, and Correction No. Three.

Correction No. One shows :

That if the plaintiff had written the contract on the second page in the same style and manner in which so much of division "B" as is on the first page of the contract is written, and had added omitted words, the writing in all cases remaining as small as at present, the contract would have occupied twenty-six lines, and would have of course obliterated the signature of "Wm. Sharon, Nevada."

Correction No. Two, on the blue slip, shows :

That if the writer had written the declaration of Mr. Sharon in the same style, so far as the size of the writing is concerned, as the silence clause, his declaration would have occupied twenty-eight lines, and have gone considerably below the signature of Mr. Sharon, and the word "Nevada," and the date.

Correction No. Three, upon the buff slip, shows :

That if the contracting clause of Mr. Sharon, with its abridgment, abbreviations and omissions, had been written in the same style as the contract of the plaintiff it would have occupied three and a half more written lines than the abridged clause, as it now appears.

To those schedules is added another, which presents some very remarkable results. It consists of a comparison of the same words, as used in different portions of the contract. I shall submit the paper without attempting to read it, or to do more than say that its comparisons and measurements by sentences, words and combinations of words furnishes the strongest evidence of studied and painful compression in the latter portion of the contract.

One other observation with respect to this contract, and I shall leave it for the present.

Your Honor has doubtless noticed that the ordinary and unrestrained writing of the plaintiff exhibits fluency, rapidity, frequent imperfections in letters and words, together with a dash and boldness of style and indifference to space quite unusual in female handwriting, all being notably masculine characteristics. In only one of the exhibits in her handwriting, defendant's Exhibit Two, is there any departure from or any modification of these general features, and the very close and compact appearance of this writing, which has been referred to as an offset to that in the latter portion of the contract, furnishes new and decisive evidence of deliberate and careful effort to economize space in the contract. The writing throughout is not only much smaller perpendicularly, but exhibits a greater general perfection of form in the letters and words than is to be found in any of her writing presented here as exemplars. I submit that this multitude of coincidences could by no reasonable possibility have been accidental, nor would they have occurred unless caused by the pressure of circumstances over which the writer had no control; that it was this obdurate necessity for contraction that compelled her to prepare the paper as it has been prepared, only because the name of William Sharon was written upon the paper before she attempted to use it. Your Honor will notice another curious fact about this document. The first clause—the marriage vow of the plaintiff—occupies precisely half the space that is available for use. Now this was no accident. If you add to the space left below "Sarah Althea Hill" the space above "Wm. Sharon," the sum is precisely equal to that occupied by the first declaration. It was always my idea that when the space was thus equally divided, the silence clause was not intended to be inserted between the several declarations. It was intended to follow the name "Wm. Sharon," and if that had been done—that is, if it had not been transposed—there would have been room to write Mr. Sharon's marriage vow in precisely the same space, to the fraction of a hair, and with the same verbiage as the plaintiff's marriage vow. When it reached that point, for some reason or other, she changed her mind and con-

cluded it would not be safe to have it anywhere but above the signature of Mr. Sharon. And there is where the crowding and cramming began! The crowding commenced with the silence clause and continued on the remainder of the first page: and it was not until Miss Hill reached the second page that she found it necessary to contract the words "City and County of San Francisco, State of California" into "San Francisco, Cal.," leave out the word "declair" altogether, and fail to append to the words "Sarah Althea Hill" the original elaborate description of herself as in the earlier part of the contract, as being "of the City and County of San Francisco." In those last four lines there are nineteen words and parts of words omitted, which are found in the portion of the contract occupied by her marriage vow.

Permit me to say one word with reference to Mr. Gumpel's testimony. I propose to deal more with him in relation to the "My dear Wife" letters, which I will take up in another part of my argument.

I admit that the plaintiff is entitled to all the benefit his testimony may bring, and I would not, if I could, injure its beauty or mar its effect. It is true Mr. Gumpel says that he can see in the contract no evidence of writing over folds. At the same time, he does not furnish any explanation of the remarkable appearances in the contract, where writing is found in connection with folds. He looked at it with a little pocket glass. He did not have the opportunity or the same time for the examination of it which Mr. Hyde and Mr. Hickox had. I must say—considering he was our witness, and was supposed to be under the same suspicion which attached to Mr. Hyde and Mr. Hickox—he was treated very differently. Your Honor will remember that neither one of the latter gentlemen could look at a paper without some one or other of the counsel standing over him to see that he did not destroy it, or do some injury to it, to the plaintiff's detriment. No detective ever watched a pickpocket with such continuous and patient zeal as one or the other of the counsel watched Mr. Hyde and Mr. Hickox while they were on this work day after day. Although I supposed

Mr. Gumpel stood in the same category, I confess I was not a little surprised when I saw the graceful confidence with which they surrendered these papers to him. They never watched Mr. Gumpel for a moment.

Mr. Terry—Yes, we did.

Mr. Barnes—I ask the gentleman to wait. “Let the galled jade wince” till his own turn comes.

Mr. Terry—The “galled jade” is not wincing. Mr. Gumpel did not have them in his possession half a second without one of the plaintiff’s counsel, or witnesses sitting at the same table with him, and watching him all the time.

Mr. Barnes—That is an assertion of a matter of fact in which counsel and I differ. He was watched and who watched him? Rodney watched him. But the others were not about him. Mr. Gumpel was my witness. Mr. Hyde and Mr. Hickox were treated in a manner I will not undertake to describe, because I cannot find words to express my contempt for it. Your Honor saw it. No human language can make it plainer than it was to your Honor at the time. I say that no two gentlemen were ever treated so. There was nothing left the other side except to bring in shot guns and handcuffs. That would have completed the picture. I supposed Mr. Gumpel was all the time moving in harmony with my general views about these papers, although I confess I did not talk much to him on the subject. I felt as though some one had poured cold water down my back when this witness of mine came up, and the gentlemen on the other side paid no more attention to him than if he had been a monkey in a cage. They let him do exactly what he liked, and poor little Rodney was put up there, with his mouth three-quarters of an inch open, and the drool running out of each corner, to watch him. I suspected what would follow, and it did follow. Mr. Gumpel gave that contract no such examination as these other gentlemen did. He never looked at it under a powerful glass. He never seemed to me to try to find the real history of the paper. He made, as I say, no microscopic examination of it, nor submitted to your Honor’s ocular attention whatever he found, if he found any-

thing, upon the contract under observation. As he speaks of nothing peculiar in the appearance of the document, I take it for granted he has found nothing, and that it presents to him the appearance of any other ordinarily written paper or contract which he has been called upon to examine, except in one respect, and that is the one to which your Honor's attention has been again and again directed, and concerning which your Honor has stated more than once, that you really would like to know definitely whether the ink used in writing the contract was different to that employed in writing Mr. Sharon's signature. Mr. Gumpel asserted that the contract and the signature were not written with the same ink, a statement in which Mr. Hyde, Mr. Hickox and Mr. Gumpel are in accord, and which combined with the fact that the entire document is admitted to be in the handwriting of the plaintiff, is of the very greatest significance. Mr. Tyler, in his endeavors to evade this fact of the difference in the inks, has presented one of the few comical features of this painful trial. Your Honor remembers with what pains he examined Mr. Hyde about the difference which might be found between the top and the bottom of the ink holder, and how he charged round with paper, ink and pen, and called your Honor's attention to his experiments. He would take the pen and skim along the top of the fluid with a touch as light as that of some fairy-winged insect gliding over a summer stream, before venturing to write; then he would plunge the pen to the bottom as though he were about to harpoon a whale, and see if he could not bring up something from its depths that would enable him to write in a manner sufficiently similar to that exhibited upon the contract to explain these damaging facts. Your Honor remembers how totally he failed, or, to use his own elegant and graceful language with respect to me, what a "fizzle" it was, and how dismally he perspired and sat down!

I shall fully review Mr. Gumpel's testimony in connection with the pencil writings, later. He is certainly not to blame, and I do not desire to criticize him for what he

was unable to see ; but which, I am just as sure your Honor saw as I am of my own existence.

Let us return from the consideration of facts and circumstances which seem to me clearly to demonstrate its fraudulent character, to the condition in which this bride was when her husband had signed and delivered it to her. She said, " Senator, this is not going to be our marriage contract is it ? " and he replied, " Well, you take it home and write out another. If it suits you any better than this you fetch it over, and I will sign it. I will take this one and you take the other. This one is good enough for me, " She bade him good-bye, and he went to Virginia City. She did not see him again till the ninth of September. These facts furnish an illustration of what I contend is an absolute demonstration of the impossibility of sustaining the lie historical. She has testified that he went to Virginia City on the twenty-fifth of August, 1880, and that the reason for the present state of this rickety contract was Mr. Sharon's haste to go to Virginia City. This also explains why this ardent lover, having made her a wife, did not desire to consummate his marriage, or take her to his arms. The trouble is, the fact is otherwise. Mr. Sharon did not go from here on the twenty-fifth of August. He was here all through that day and night, the whole of the next day and the succeeding day and night. It was not until the twenty-eighth day of August that he left San Francisco, and he did not see her until the ninth of September.

Now, sir, where was this bride during these nine days ? Where was this gentle, tender and confiding soul, who had been courted with another woman's indecent letters and married by such a contract ? Did she write to her husband ? Not a word ! Did he write to her ? Not a line ! Did she call at his office to inquire when he would be back ? Never ! Did she telegraph to him while he was absent ? Not at all ! Did they hold any communication whatever ? Not the slightest ! Will any human being ask any other human being to believe that a man of Mr. Sharon's wealth and position, if really consumed either with conjugal love or the grossest passion that ever inhabited a satyr, would marry a woman and stay three days and three nights in town without seeing her ? The man

does not live who would do it. The angels in heaven are not pure enough to do it, and a devil, such as they portray my client, would be the very last to wait three days and three nights here in the city, and she within reaching distance, before enjoying the society of such a bride, "struggling to repress emotions which modesty forbids her sex, however enamored, too openly to reveal; wishing beyond adequate expression what she must not even attempt to express, and seemingly resisting what she burns to enjoy." No, sir; the picture painted by her counsel, of this woman, would have made her necessary to her husband. Her story is invented to account for the circumstance that she never saw him again until the ninth of September. He left San Francisco on the twenty-eighth day of August and went to Virginia City. On Sunday, the twenty-ninth he was at the International Hotel. On Monday the thirtieth he was still in Virginia City, and also on Tuesday the thirty-first. On Wednesday the first of September he left Virginia City, and on Friday the third, arrived in San Francisco. Here is found another illustration of the impossibility of sustaining an historical lie. The plaintiff swears that she did not see him again until after he had returned, and that he then told her he had seen in the Virginia newspapers the account of the burning of the Galindo Hotel, had become very anxious about her, and returned at once to see if she had been burned with other baggage. That is her story. We know this is a falsehood, because Mr. Sharon returned to San Francisco on the third of September, 1880, and the Galindo Hotel did not burn until the sixth. He had been here three days when the Galindo Hotel burned. Will the gentlemen on the other side tell me how Mr. Sharon could be in San Francisco on the third of September, 1880, be here the fourth, fifth, sixth, seventh and eighth and not see his wife until the ninth? She swears that notwithstanding he had been here ever since the third, that he never returned until after the Galindo Hotel was burned, and then only because he was in such trouble about her! This is another illustration of the necessity, wherever one undertakes to tell a *post-factum*

falsehood, for superhuman intelligence. The historical facts demonstrate, beyond the possibility of contradiction, that Miss Hill did not even know where he was at that time. She did not know whether he was in San Francisco or Virginia City. She invented this tale, connected it with these events, and when they come to be tested and examined by the light of chronology and the real relations of the parties, the fabric of her falsehood crumbles to the ground. Its very foundation disappears. It passes away in dust. Her whole story of Mr. Sharon's departure on the twenty-fifth of August, of his return after the burning of the Galindo Hotel, of his sending Ki for her and telling her this reason for his return is stamped to death when you have the historical fact that he did not leave until the twenty-eighth of August, and was back on the third of September, three days before the Galindo Hotel was burned! And here may be noted another remarkable circumstance. Did he marry Miss Hill on the twenty-fifth of August and send her back to Oakland to attend his return? Does not your Honor know that if Mr. Sharon married her, and the pressure of his business was such that he could not see her until he returned from Virginia City, and he returned on the third of September, he would have sent for her? If Ki had been carrying messages back and forth between them all summer, and if her story were true that they had been connected by courtship all the summer long to the hour of that wretched bridal—if Mr. Sharon went away on the twenty-eighth of August and came back on the third of September, would he not have sent this Chinaman on the run, with his pigtail fluttering in the wind, to the Galindo, to summon to his arms his loving bride? She says she did not see him. He says he did not see her; that he had nothing to do with her, and knew nothing about her until she called at his office about the ninth of September and told him she had left Oakland, and urged him to call at the Baldwin Hotel. This is the only event Miss Hill definitely dates in the whole course of her narrative. On the sixth day of September she took rooms and registered at the Baldwin Hotel. The Galindo Hotel was burned on the

night of the sixth of September. She says, "I remember the time, because I came over in the afternoon, and that night the Galindo Hotel was burned." Was this lady the wife of Mr. Sharon at this time? Did she receive the order of her lord and master before moving from the Galindo to the Baldwin? Did she come to the city because he requested it? Did Mr. Sharon control her as a wife, particularly as a bride would be controlled by her newly made husband? With newly married women sentiments of rebellion or disobedience, the feeling that they can trample upon their marriage vows and defy their husbands, do not exist. Does your Honor suppose that this woman, if she was really married to Mr. Sharon, would have moved from the Galindo and gone to the Baldwin without his knowledge; or that if she had been really married to Mr. Sharon, and wished to leave the Galindo, she would not have waited until she saw him, and asked him to choose her abode? Is she to be judged by the same standard which measures ordinary human actions, or is she to be regarded as an anomaly, as something never known before, and which may never exist again? In her case is every principle of human nature to be set aside? Is every motive and impulse which governs and controls the average human mind to be ignored? The human heart moved in precisely the same line of impulse in the breast of Adam as it moves to-day in the breast of a child. Intellect changes and the mind grows, but the human heart is always the same. Is there a woman on earth, cold or warm, who had married a man under circumstances so peculiar, which left her so entirely dependent on her husband, so completely in his power, who would not have taken his advice in every act of her life, and been guided by him in every step? Yet we are asked to believe that this woman is an exception to every rule by which human actions can be measured. If they are married, "they will together; clubs cannot part them;" but this pair go their way from the marriage altar, neither of them attempting to hold any communication with the other, and the wife, by her own confession, never putting in an appearance from the wedding hour on the twenty-fifth of August

until the ninth of September. In the meantime she had made no inquiries about him. She did not know where he was, or when he was to return. It was only, she says, when he sent Ki to the Baldwin that she knew he was here. Think of it! He never communicated with her; he never went to see her himself; he merely sent this bow-legged Celestial about town to learn where she had betaken herself after the burning of the Galindo Hotel. I know your Honor cannot be persuaded to place personal or judicial reliance on a story of this character. She had plenty of time to go elsewhere than to her husband's office. The day she took her rooms at the Baldwin she went to see Mrs. Bornemann on Thirteenth street, and spent a great part of the day with her. This bride could come over on the ferry from Oakland, tramp out to Thirteenth street, take lunch with her friend Mrs. Bornemann, engage and occupy rooms at the Baldwin Hotel on the sixth of September, go back to the Galindo Hotel on the seventh, to find her little belongings in the baggage room, and yet make no inquiry about the man whom she had married on the twenty-fifth of August in such a paroxysm of tender love! It is insulting to human nature, to human credulity to ask belief in it. There is not an idiot in the Alms-house who would not think himself insulted by being asked to credit it. There is not a lunatic who stalks naked in the Stockton Asylum who could not invent a more plausible falsehood and better uphold it. She came to town on the sixth of September. Did she send for her husband? Did she even send to see if he was in town, and summon him to her side? No. She staid all night at the Baldwin Hotel, under what circumstances or for what purpose no one knows. Could she have any engagement more important or sacred than that which bound her to her husband? Yet she was there all night, and on the morning of the seventh she did not even try to see her William on her way to Oakland. Her eyes were not fixed on the corner of California and Sansome streets. Her beacon was not there. It was her trunk and her baggage exposed to risk of fire in the Galindo Hotel about which she was exercised; and across the

bay she went and found her trunk. She brings it to the Baldwin Hotel and camps there on the seventh. Does she try then to find her husband? No. The lovely bride is solitary on the night of the seventh. Does she endeavor on the eighth to discover what had become of her liege lord? No; on this night also she is alone; a sad, ungathered rose. It is not until the blessed ninth of September that she says she was summoned to his office. Think of it, dream of it, credulous man! Take stock in it, swallow it then if you can! Here is a husband who had courted this tender and loving soul for four months in the spring and summer of 1880, who had never written her a letter; who had never given her a jewel; who had never asked her acceptance of a flower; who had never put upon her finger an engagement ring, and on the wedding day, that most sacred and tender hour in a woman's life, had married her without even furnishing the plainest of wedding rings; and here is a wife who went her way not to see her husband again, until the ninth of September, when a Chinaman came to ascertain whether she was dead or alive! The visit by Ki and its incidents are denied by Mr. Sharon; and his denial is supported by facts about which there is no dispute. His statement is the only reasonable one, consistent with dates and with every human probability. These historical facts stamp the brand of falsehood upon the story of the wedding day.

Mr. Sharon says Miss Hill called on him about the ninth of September, though not sent for by him, and told him she no longer lived in Oakland, but had come over to the Baldwin Hotel. Before this he swears he was never under any roof with her, except that of his office. He had never been to Oakland to see her; he had never met her by any appointment. Her call was ostensibly a friendly visit, a social call. Nothing special passed between them except that she invited him to call on her at the Baldwin Hotel, gave him the number of her room, and told him to come directly to it. On the eleventh of September he called and spent the evening with her. On Monday, the thirteenth, he called again; invited her to dine

with him at the Palace, and she came and marched through the Palace Hotel to his private rooms on the fourth floor, and dined with him. She stayed until late, and after the conversation occurred between them, which your Honor has heard, she remained over night.

Colonel Flournoy's dates were all wrong when he was speaking of the payment of money to her by Mr. Sharon. She went to Mr. Sharon's rooms and remained all night on the thirteenth day of September. The first time she obtained money from him was the twenty-seventh or twenty-eighth of September, when she got two hundred and fifty dollars to pay her bill at the Baldwin Hotel.

The plaintiff denies that there was ever any financial bargain between them, and repudiates the statement made by Mr. Sharon in relation to the transaction at the Palace the night she stayed there. She says they never had any conversation about money, except when the contract was made, and he then wanted her to put five hundred dollars a month into this marriage contract as the limit of her income for life. Is it possible this gentleman, with his enormous fortune, should ask his bride to stipulate for an income of five hundred dollars per month for her support during life, when, in view of his vast wealth, five thousand dollars a month would have been only a reasonable and moderate sum? Who ever heard of such a contract or such an arrangement? But, she says, she told him she was not selling herself! She stated when last on the stand that Mr. Sharon never mentioned money to her other than that five hundred dollars. Story-tellers should have good memories. In the early part of this trial she told an abominable tale of Mr. Sharon offering her one thousand dollars a month and Flora's pony to let him "love her." Yet, when she returns to the witness stand she swears that the only time Mr. Sharon ever mentioned money to her, was when he wanted to incorporate in the contract an agreement on her part to maintain herself on five hundred dollars per month!

So far we have the statements of the parties, strengthened or weakened, as the case may be, by certain historical facts

about which there can be no dispute. We know little of the plaintiff's life; where she went, whom she saw, or what she did. The first time after her marriage, when she appears in connection with any one other than Mrs. Laws, Mrs. Bornemann, Mr. Sharon and Mrs. Hardenberg, was about the middle of September, when she went, for the first time, to call on Mrs. Jennie Wanger, the fortune-teller. She represented herself to Mrs. Wanger as "Mrs. Willis," whose husband had deserted her, and whom she wished to win back. She told Mrs. Wanger she lived in the Colton mansion; that she intended to bring Mrs. Daniel Cook to see her, and further established and fortified herself in Mrs. Wanger's good graces by false statements as to her wealth, her high connections, and the social influence which she possessed. Mrs. Wanger says that with the exception of about two weeks, when Miss Hill was at Los Angeles, or out of the city, she called almost daily, and sometimes oftener. This statement, I confess, struck me as extraordinary. It seemed to me at the time Mrs. Wanger stated it, that it must be an exaggeration; but when I came to hear the testimony of Mrs. Kenyon, about whose entire truthfulness I think your Honor can have very little doubt, my impressions changed. Mrs. Kenyon is a woman of seventy years of age, who, although poor, has occupied respectable positions all her life; the widow of a clergyman; the housekeeper for many years of Miss Lynch's school for girls in Benicia; and now, in her old age, a companion, a nurse and chaperon to ladies who need her. Your Honor can believe Mrs. Kenyon; and Mrs. Kenyon corroborates the statement made by Mrs. Wanger as to frequent visits of Miss Hill to Mrs. Wanger during the whole period she was with Miss Hill from September, 1881, to the Thanksgiving Day next preceding Miss Hill's ejection from the Grand Hotel.

Mrs. Wanger's testimony is remarkable. Like other testimony, it shows the moral idiocy of the plaintiff. She is not intellectually an idiot. She has a sharp, incisive mind. She has rattling, brilliant powers of conversation. She has a keen eye. She has a quick, rapid, nervous motion. She is to all appearances physically perfect, and endowed with an intellect

keen-edged as the finest tempered steel. But the disclosures of the case combine to prove that never was there a woman so absolutely devoid of moral sense. She can distinguish colors; she can hear; she can talk; she can transact business; but when it comes to distinctions between that which is right, and that which is wrong, between virtue and vice; between holiness and sin; between truth and falsehood, her mind is as blank as that of an idiot. She does not know the difference between them. She has no perception of a moral distinction. She is morally irresponsible. Truth and falsehood have each the same hue and appearance to her. Their fruits taste alike to her. I think she could whisper a falsehood to herself and believe it. Never since the rib was taken from the side of Adam was there such a moral structure. During the progress of the trial we have seen her, now boiling with causeless rage, and then smiling and laughing like a child. We have watched her day after day, when, if she had the slightest moral sense—I am not speaking now as to the right or wrong of her cause—her loneliness would have overpowered her. She has been deserted by her friends; abandoned by all who had ever known her. Even that sympathizing mob of women, who, partly from religious frenzy, and partly from mental organization otherwise disturbed, loiter around jail doors, and give flowers to such wretches as Wheeler the strangler; women who are to-day ministering to Hutchings, his latest disciple in crime, who fill his cell with flowers, fruits and food, avoid her as they would a leper. Such has been her situation since she allowed Neilson to drag her, as she says in one of her letters to him, into this “fight” against Mr. Sharon under promise that it should never come to court. She is lonely, desperate and proven guilty. But she has had no more idea of her situation than a child brought here to play and roll on this floor. After she had told her story, and witness after witness, whom your Honor could not doubt, gave flat contradictions to her story; when she had uttered that foolish falsehood about Mr. Sharon's cipher book being given to her by Mr. Dobinson, which she alleges she kept a week and copied; and when it was made

clearer than the light of day that her testimony could not, by any possibility, have been true, she sat laughing like a child, gorging herself with candy, and occupying herself in decorating the hat of one of her counsel with flowers.

Since Courts were opened for the determination of human controversies, such a spectacle has never been witnessed. I declare, on my conscience, though I condemn her sins, her faults and her follies; though I stand here to lay them bare to your Honor's judicial eye; to struggle with and arrange this complicated mass of facts, so that when your Honor comes to pass on them, my efforts shall be of some assistance; whether you agree with me in the conclusion to which you are bound to come, or, whatever be the result; I look upon this woman with a sentiment of most profound pity. I look upon her as I would regard some anomaly in nature; a being to whom God has given much, but from whom he has withheld that which makes life alone worth having; without which beauty is but rotteness and accomplishments become only a lure to death. This unfortunate creature has undertaken to deny everything. I was surprised that counsel permitted her to do it. She has sworn that everything that everybody else said was false. The witnesses who stood along the way of her life, whom she knows as well as she knows her own name, she says she never knew at all; that the stories they have told were false; and your Honor is asked to take for Gospel the statement of this unfortunate creature, and push aside the testimony of all other witnesses. I make this comment because I now propose to take up the testimony of Mrs. Wanger in connection with current events; and your Honor will see that though there possibly may be, and very likely is, something of exaggeration as to the number of visits she paid her, yet that she knew her, that she visited her constantly, that she haunted her house in slavish belief of her power in witchcraft and magic, is beyond all question.

[A recess is here taken until to-morrow at ten o'clock A. M.]

Mr. Barnes—(resuming.)

Mrs. Wanger is an astrologist and fortune teller. She is the daughter of "Professor" John Rowl, a necromancer of considerable notoriety, and her attempts in this direction are due to the education she received from her father. I am free to admit that this class of speculators upon human ignorance and credulity naturally inspire doubt, if not repugnance; but your Honor will bear in mind that none of these dealers in magic are the associates or counsellors of the defendant. They are those whom the plaintiff herself has selected as advisers and friends, and their stories must be measured and judged in connection with all the facts and circumstances of the case. Therefore, when we see what her confessed surroundings are; who are her acknowledged associates; when we find a woman claiming to be of almost royal lineage, and of the highest social standing, excluding from the pale of her confidence relatives, who, if not moving in the circles of what is called "society," are most respectable and excellent people; when we see her taking bodily possession of Miss Nellie Brackett, between whom and herself there was no reasonable fellowship, but great disparity in years, social station, education, means and objects of pursuit in life, considerations all forbidding an honest motive for intimacy: when you see her receiving this girl into her home and her confidence, in bold defiance of parental command and entreaty—while utterly ignoring her brother, her uncle Bryan, her uncle Sloan, her grandmother and her aunts—when you hear her avowing the closest companionship with a negro seamstress who could neither read nor write, and even visiting her house and sharing her bed; when you learn that she entrusted her inmost secret, if her tale be true, to a stranger of the repulsive appearance of Vesta Snow; when you see her accepting, upon the introduction of her servant, the intimate acquaintance of another negro woman—Mrs. Pleasance—when you follow her through the society of her choice, and see the friends of her self-confessed selection, the transition from such connections and influences, to those of Mrs. Scott and Mrs. Wanger, is a transition from hell to

heaven. Mrs. Wanger, in personal appearance, language and manner, is superior to the plaintiff's confessed acquaintances, intimates and confidantes. So, understanding the plaintiff's character and proclivities, it is not unnatural she should have sought this witness, and confided to her her plans and aspirations. Mrs. Wanger made the plaintiff's acquaintance in 1880, after she came from Oakland, but before she moved to the Grand Hotel. Miss Hill visited her every day; sometimes twice a day; sometimes oftener. The frequency and persistency of her calls is somewhat surprising, but while your Honor will notice that Mrs. Wanger is corroborated by Mrs. Kenyon, the plaintiff swears she only saw this fortune teller three times; once on Howard street, once on Post street, and once on the corner of Powell and Geary streets, in the Spring of 1882. Miss Brackett, under cross-examination, was interrogated concerning Miss Hill's visits to fortune tellers and magicians. She would not be questioned, and disposed of the whole subject by saying, "We went to so many fortune tellers, I cannot tell their names nor where they lived." When she was pressed, your Honor interfered, saying, "What more do you want? If she says she went to so many fortune tellers that she does not remember their names nor their residences, it seems to me if there is anything in the fact, you have the benefit of it, so far as this witness is concerned;" and acquiescing, as we have always endeavored to do, in the suggestions of the Court, we abated our examination. So here the plaintiff stands with such a record upon the subject of fortune tellers, that Miss Brackett, who can remember so much, and whose memory, whether of facts or of the details of a concocted, perjured tale, is so astonishing, does not know how many of these harpies she visited. They are numberless. They cannot be distinguished. They reach across the whole night of Miss Hill's dark life, as the milky way stretches athwart the sky, composed of worlds so numerous that it seems to the human eye, a belt of hazy light. Miss Brackett's mind is so confused by their number that she cannot tell you one; names and residences float in her recollection like buzzing flies swarming in the summer sunlight.

Mrs. Wanger says: "When the plaintiff first came to me she wanted me to read the cards for her; told me she was a married woman; gave me her name as Mrs. Willis; said her husband was not true to her, and asked me if I saw it in the cards. I said I saw she was not a married woman." She said her husband was manager of Seth Cook's mines, and under the alias of Mrs. Willis visited the witness until Mrs. Kenyon came on the scene. She represented that she was living in the Colton mansion on California street. And the witness says: "She told me that Carrie Colton was coming to see me very soon. When Mrs. Kenyon came with her, she spoke of her as 'Miss Hill.' After that I saw plaintiff and talked with her about what had passed between me and Mrs. Kenyon. I told her I thought she said her name was Mrs. Willis, and she said 'It is.' I said, 'Mrs. Kenyon called you Miss Hill.' She said, 'I will tell you the truth.'"

Here is another characteristic manifestation of Miss Hill's inability to tell the truth under any conditions. She was visiting this magician in whose power of divination she had an ignorant and slavish confidence, yet she could not tell the truth even to her! She utters falsehood after falsehood, and finally, when brought to bay, says: "Well, now I will tell you the truth; I will tell you the truth now," and then she proceeds to utter a fresh batch of falsehoods with an adroitness that might well be envied by the father of lies himself. Psychologically considered, Miss Hill is the most complete anomaly ever presented to the consideration of the student of human nature. To anyone who attempts to investigate the motives which have actuated her conduct, she is indeed the Missouri wonder! She continues: "'I will tell you the truth; I love a man dearly; his name is Reuben Lloyd; he promised to marry me, but he is now after other women; but he shall never marry any other woman but me; if he does, I will make it hot for him.' She came again one evening, very nicely dressed; she asked me to cut the cards for her, as she was going to see Mr. Lloyd on Sutter street, and she wanted to know whether he would go home with her and treat her kindly, and I told her she looked nice enough for any one to go home with, and she went away laughing and very pleased. I talked with her about Mr. Sharon. In 1881 I told her I knew who the rich man was she had been speaking of; it was old Sharon,

She said, 'Yes, it is; I have given him things to drink—lots of things.' Dirty things she mentioned. She told me she gave him these thing to drink, to try and get him to marry her; nothing seemed to do him any good." She mentioned what it was; "comparity leaves and poppy leaves." Mr. Tyler had a great deal of fun out of these comparity leaves. Mr. Tyler did not know what they were, and we don't know, but the plaintiff knew. The plaintiff had given him 'comparity leaves,' whatever they were, and also poppy leaves. Mrs. Wanger further says:

"There was a woman by the name of Scott, who was going to give her lots of things, and she said 'Now, Mrs. Wanger, give it to me.' I said I knew nothing. She said, 'Your father, if he was alive, could make people marry. He told me about the graveyard charm. I said it was a hard thing to do. She said she didn't care, she was able to do anything. I said she was to wear the gentleman's clothes for nine days, and then take them out to a newly made grave at twelve o'clock at night. I said: 'Do you think you would have courage to do that?' And she said she would do anything; but she said: 'Your father said it would do in the daytime; I paid him for the charm, but he died.' She came again and said she had two passes to go east; what would I think if she made Mr. Sharon believe she was in another condition, and go east and get a baby, and make him believe it was his; would it be all right? I said it would be found out, and she said no, it would not. 'There are other ladies who get babies for their husbands and make them believe they are theirs. Why cannot I do the same?' She came to see me afterwards. It was about the last part of 1881 that she began to talk this way about Mr. Sharon." * * * "She talked that way fifty times about him; she asked me if I could give her a charm, and I told her I could not; she showed me something she had for a charm in 1882; I was then living on Post street. She told me she took a pigeon and cut it open, took out its heart, and stuck nine pins and nine needles in it; also a bull-frog in the same way, and stuck nine pins and nine needles in it, and that it dried and she had taken the needles across the water and buried them in the sea. She opened her bosom and showed me a little red silk bag with these charms in it; they were dried up little things; I know of her wearing a gentleman's shirt and stockings; she wore his stockings around her knees. I talked with her last in March, 1883, about the defendant; that

was on Post street; she came to me in March and asked if I knew Mr. Sharon had put her out of the hotel; I told her I never knew she left there; she said, 'Never mind, I will get even with him for that,' she opened her bosom and pulled out a piece of paper and showed it to me, and said she 'would get even with him;' she said: 'Does this graveyard charm make a man marry, or kill him? Your father told me that while the party was rotting in the grave, he must marry or die.' She said: 'I'll try this one, and this is the last I will try with fortune tellers.' I know Nellie Brackett; she only came twice with Miss Hill to see me. I suppose I talked with her five hundred times about her chances of marrying Mr. Sharon; one day she was at my house four times. She wanted me to cut the cards to see whether Mr. Sharon would send for her to come to his room; the next day she came to me and said Senator Sharon had not sent for her; she did not know what to make of it, and was almost crazy. 'If he would only send for me to rub his feet,' she said, 'I used to rub his feet, and I used to get two hundred dollars; I would just like to rub his feet and get two hundred dollars or three hundred dollars or five hundred dollars out of him.'"

This is the substance of the story of Miss Hill's intercourse with one woman of this class, extending over a period of two years or more; and the witness is corroborated by another, as I will show your Honor when I reach her testimony in proper chronological order.

If this be true, then, in the month of September, 1880, and for two years then next ensuing, after she had contracted a disgraceful secret alliance with the defendant, she visited this fortune teller to see what could be done to win another lover to her arms, while at the same time, she was scheming to capture Mr. Sharon. A great deal has been said concerning Mr. Lloyd's engagement to be married to the plaintiff. There is no evidence of such a connection. True, various people have testified that Miss Hill said she had been engaged to Mr. Lloyd, off and on, for eight years. But we only know she was pursuing him for years with the patience of a hound following the chase. She gave him no rest. As far back as 1878, she was plotting with fortune tellers and spiritualists to win him. In 1879 she was at the same work. In May, 1880, she took

poison in his office, and narrowly escaped death. In the month following she clandestinely entered his office, and stole letters. Yet he, who knows more about her, probably, than any other man, has never betrayed her secrets, or spoken of her. Your Honor knows Mr. Lloyd, and you know him, as we all do, to be an honorable member of the bar and of society, touching nothing which he does not adorn. He is at the head of distinguished orders—Odd Fellows, Masons and the like. There is no more useful, more universally respected man in this community than Reuben H. Lloyd; whose name, so painfully to him, has been dragged into this unhappy scandal. Yet, upon the mendacious statement of the plaintiff, pretending to explain why it was she had committed larceny in his office on a Sunday, was pursued by the police, and compelled to return what she had stolen, he is charged by her counsel with having betrayed her secrets to others. If he had done so, the final disposition of this case would be much more rapid, in my judgment. With respect to him, I emphatically declare, and I but voice the sentiment of every person who has his acquaintance, that her story that he had exhibited her private correspondence and betrayed her trust, is a wicked slander. If he had been less loyal to this unworthy woman, we should have known far more of her history.

The general chronology brings us now to about the twenty-fourth of September, 1880. Up to this date, Mr. Sharon says he had called on the plaintiff three times at the Baldwin Hotel; that on the ninth of September, when she first invited him to call, she gave him the number of her room, told him not to send up his card, but to come direct to her apartments; and in accordance with her request he had done so.

On the contrary, the plaintiff says that from the ninth of September to the time of her making arrangements to leave the Baldwin Hotel, Mr. Sharon called upon her every afternoon, and nearly every evening. Mr. Sharon is a well known personage. His individuality is as familiar to all classes of people in San Francisco as that of any other one man, and particularly so in hotels, because those employed in them know

the proprietors of other large houses. There probably is not a man employed about the Palace Hotel who does not know Mr. E. J. Baldwin, at least by sight; and there is not a man, bell-boy or clerk, employed in the Baldwin Hotel, who would not be sure to know by sight, Mr. William Sharon. Yet the story of these numerous afternoon and evening calls stands upon the unsupported testimony of the plaintiff. He says he saw her there three times, and even that number of visits was sufficient to excite observation and animadversion. In consequence of what was said to him by a person employed at the Baldwin carriage stand, he concluded he had better not go there, and wrote her a letter which explains itself. She says, "Mr. Sharon wrote me four or five letters that day. One I answered on the back and returned it." She produced only two. They are Exhibits Nineteen and Twenty-one. The first is as follows:

"PALACE HOTEL, SAN FRANCISCO,
September 25th, 1880.

My dear Miss Hill:—

Can you meet me this evening, say about five o'clock, in the parlor of the Grand Hotel? Something I want to tell you about, of interest to yourself. Will not do to meet you at the Baldwin, so if you can not see me at the Grand, name a place and hour.

Very truly,
WILLIAM SHARON."

He has been unable to find her reply, but she evidently must have responded that he had better come to the Baldwin Hotel, as she did not wish to make appointments elsewhere. To this he rejoins:

"SEPTEMBER 25th, 1880.

My dear Allie:—

There are reasons why I should not call, but as we have tried to meet and failed, will call in twenty minutes after you get this, and explain.

Yours,
W. SHARON.

Will call at your room."

Mr. Sharon explains why these notes were written, and says that at the interview which ensued, the question of her removing to the Grand Hotel was discussed, and he wrote and gave Miss Hill the "unblemished reputation" letter of introduction to the manager of the Grand. It is remarkable that

though she says she received it as a letter of introduction to Mr. Thorn, of the Grand Hotel, she never presented it. She has never had the public benefit of this endorsement. It never saw the light until this suit was brought. And here is another illustration of her tortuous methods. When she went to Mr. Sharon's office on the twenty-eighth of September, to get some money to pay her bill at the Baldwin, she said, "I have lost that letter of introduction; I want you to give me another." He then wrote another, as follows:

"SEPTEMBER 27th, 1880.

Mr. Thorn:—

The bearer, Miss Hill, and her brother wish rooms. Please do the best you can for them, and much oblige,

WILLIAM SHARON.

Let them have them as cheap as possible."

The plaintiff swears that all the time she had been at the Baldwin Hotel, the defendant had been urging her to go to the Grand, but she did not desire to do so; and also, that he was anxious to furnish a house for her. He flatly denies these statements; and the evidence is clear, that, so far from urging her to move from the Baldwin Hotel to the Grand Hotel, she had been to the Grand Hotel and endeavored to secure lodgings there, but Mr. Thorn, for reasons best known to himself, declined to admit her. Mr. Thorn says he refused even to see her, and that she did not look at a room there until she brought Mr. Sharon's letter of the twenty-seventh of September, which he produces. The probability of the truth of her statement, that Mr. Sharon had been endeavoring to get her to the Grand Hotel, is very greatly weakened when met by the fact that she did not get into the Grand Hotel until she took an order from Mr. Sharon. She says also, that Mr. Sharon himself took her to the Grand, showed her rooms over Bryan's drug store, and begged her to take them; that when she finally went there, Mr. Thorn, to use her own language, "seemed to think I had a right to be there, and never asked me to pay for the rooms in advance." Is this true? Why, sir, we know by indisputable evidence, that she obtained apartments only through the written order of Mr. Sharon; that she was not only asked to

pay her bill in advance, but was bluntly dunned for it by letter; and finally, on the fourteenth of October, when Mr. Sharon returned from Virginia City, she asked and obtained from him a card which directed Mr. Thorn to permit her to pay at the end of the month. Thus her little fiction fades away. It is only another of the curious and fragile webs of useless falsehood spun by her as cheerfully and quickly as the spider spins her web in the summer air, and as easily broken and destroyed.

On the twenty-seventh of September, 1880, the plaintiff called at the Grand Hotel with a letter from Mr. Sharon; not the "unblemished reputation" letter, but a simple order to Mr. Thorn to give her rooms. She saw him, presented her letter, and looked at rooms. Note again how the falsehood, that she went there upon terms so familiar that she did not need a letter of introduction, is refuted. The letter Mr. Sharon wrote Mr. Thorn from Virginia City in October, enclosed in one to the plaintiff, and delivered by herself to Thorn, says:

"I gave Miss Hill a letter to you, and expected from you the kind consideration which she deserves."

The letter referred to was that Mr. Sharon had given her, and without which she could not have crossed the threshold of the Grand Hotel, as a boarder. Mr. Sharon swears he gave it to her, and this last mentioned letter refers to it, and the letter itself is produced; yet she recklessly turns the shifting kaleidoscope of her mendacious fancy, and exhibits her foolish story, in the hope of establishing as a fact that there were at this time peculiar relations existing between herself and Mr. Sharon, which nobody could help observing. The little thread of truth is that she was admitted to the hotel; the rest is pure invention. She erects in the black cavern where her fictions grow, a slender wand of fact, as visitors to western lime caves set up a willow wand from roof to floor. From above the slime of falsehood surrounds it, and from below ascends deceit, and the roof of her habitation is upheld by a solid column of mendacity in which the original thread of truth is forever lost. All other figments of her brain exhibit the same phenomenal audacity. She swears she was taken to the Grand as in a tri-

umphal chariot by her husband, marched in on his arm, lackied by Thorn, and ushered into rooms which Mr. Sharon had fitted expressly for himself, and which he implored her to accept; but which, with the most astounding modesty, she declined. Yet the cold facts are that she went to the Grand Hotel for apartments, and Mr. Thorn would not even see her. She could not obtain the poor privilege of looking at rooms, and at last she enters, armed with a ukase from the master, to which Mr. Thorn reluctantly submits. I have already alluded to her statement that "I was not even asked to pay my bill in advance," when, before your Honor is a letter delivered by her to Mr. Thorn, written by Mr. Sharon upon the back of a note dunning her for her rent in advance, and saying: "You can let Miss Hill pay at the end of the month." Did Mr. Thorn know there were "great relations" between the plaintiff and Mr. Sharon? She admits that in the month of October she complained three times to Mr. Sharon of Mr. Thorn's rudeness. He would not even give her the set of furniture she wanted for her room; and she made complaint to Mr. Sharon about his rudeness of manner in refusing. He would not allow her to remain in the house without paying her room-rent in advance, and she complained to Mr. Sharon; and when Mr. Thorn charged her two dollars for a supper room occupied by her on the occasion of a musical party, she fought with him, tooth and nail, for the abatement of this charge, complained to Mr. Sharon of the extortion, and actually obtained an order in writing from him, directing Mr. Thorn to deduct two whole dollars, lawful money of the United States, from his wife's bill, in his own house! This correspondence conclusively shows that her story of her triumphal entry into the Grand Hotel is a deliberate falsehood.

Miss Hill, as I say, went to Mr. Sharon's office on the twenty-seventh of September and told him she had lost her "unblemished reputation" note, and obtained another. She had not lost it, however, and produces it here; and the only witness who has appeared to give her a character, or to say one kind word of her, is this letter Mr. Sharon wrote in a weak moment, in a fruitless endeavor to protect and save her repu-

tation. It is the only scrap of paper which contains a single word in her favor. It is not surprising she has clung to it even at the cost of misrepresentation and falsehood.

At this visit she modestly asked Mr. Sharon for one hundred dollars, upon the plea that she had not quite money enough to pay her bill at the Baldwin; and he gave it to her. Yet, according to her present story, she had seventy-five hundred dollars which she had only recently taken from bank and deposited with Mr. Sharon. On Tuesday, the twenty-eighth of September, Miss Hill closed her account at the Baldwin, but before Mr. Sharon departed for Virginia City on that day, she went again to his office and obtained one hundred and fifty dollars, making in all two hundred and fifty dollars, with which she paid her Baldwin account. Your Honor will notice that she makes no statement of Mr. Sharon's departure from the city at this time. The truth is, she cannot safely pretend to knowledge of his movements, although she was then the bride of scarcely a month. It was the queerest honeymoon ever passed. She is sent away immediately after the marriage ceremony to Oakland, while he remains here three days; he then goes to Virginia City, where he remains until the third of September. She comes to San Francisco to reside, and does not see him until the ninth. He goes on the twenty-eighth of September to Virginia City, to be absent for some time, and the bride does not pretend that he ever proposed to her to go with him; that there was any leave-taking between them, even of the coldest sort; yet she was at his office on the very day of his departure; he gave her one hundred and fifty dollars; but never said he was going, nor where he was going, nor arranged for correspondence, nor spoke of return. He says she looked a little modest and ashamed over her second request for money but he handed it to her and she walked off with it. She says "I never asked him for a cent of money in my life." This is another of her reckless falsehoods; she did little else than ask him for money. The correspondence shows it. Each of the alleged "dear wife" letters is, upon its face, written in answer to applications for money. Plaintiff's Exhibit Eleven, of the

fifth of May, 1881; Exhibit Sixteen, of the Twenty-ninth of August 1881; Exhibit Twenty-nine, of the first of April, 1881; Exhibit Thirty-one, without date; Exhibit Thirty-seven, of the third of October, 1881; Exhibit Forty-four, of the twentieth of October, 1881, are all manifest answers to demands for money. Look at plaintiff's Exhibit No. Eleven. She had evidently written him a letter saying she wanted money, and he answered as follows:

"My dear 'Wife':—

"You had one hundred and twenty dollars, then twenty dollars, and before I left, one hundred dollars; in all, two hundred and forty dollars. The balance is just two hundred and sixty dollars, for which find cash enclosed." The word "check" was first written, then erased and cash written over it. They are all of the same sort. We have read them frequently, and I will not take up your time in rehearsing them, but if your Honor will examine them, you will see that every one is an answer to a demand for money.

On Wednesday, the twenty-ninth of September, the day after Mr. Sharon went to Virginia City, Miss Hill took possession of room two hundred and eight at the Grand Hotel. She registered herself as "Miss S. A. Hill and maid." She had no maid, but she now says she registered in this way at Mr. Sharon's request:

When looking at rooms, she called on Mrs. Sarah Millett, or Sarah Orr, the seamstress of the house, who occupied room two hundred, directly opposite the one she had selected, and was an old acquaintance. She said, after announcing her arrival, "Do you know who comes to see me?" "Who?" inquired Mrs. Millett. "Mr. Sharon," said Miss Hill, and there the conversation ended. Mrs. Millett from that time observed her movements, and was the recipient of the plaintiff's confidence in respect to important matters which will be noticed in their proper order.

She says that during Miss Hill's residence at the Grand Hotel, she saw her morning, noon and night, but never saw Mr. Sharon in Miss Hill's rooms at any late or irregular hour. Mr. Sharon arrived at Virginia City on the twenty-ninth of

September. About the thirtieth, Miss Hill visited James Morgan's office to beg his intercession in her behalf with Mr. Lloyd. She declared her love for him, cried, laughed, went into hysterics, and vowed she could not live without him. She was so importunate that Mr. Morgan yielded; he saw Mr. Lloyd, and the latter told him he would neither see her nor communicate with her. Mr. Morgan reported his message. To a young lady of lofty lineage and high social connections, such a rebuff would be sufficient; especially as she had discovered in the month of May that the gentleman could not be moved to pity by her taking poison in his office, and had heartlessly sent the police after her for stealing his papers. But it had no effect upon her. A feather held in a baby's hand might as well be expected to scarify the back of a rhinoceros! She cried, went away, and returned. She went twice to Mr. Morgan's office on this business. She followed him a third time to Mrs. Hardenberg's, and he told her with more emphasis than politeness that he had been to Lloyd twice, and would go no more.

On the first of October Mr. Sharon was still in Nevada. I have already called your Honor's attention to Miss Hill's frequent controversies with Mr. Thorn. She wrote Mr. Sharon early in October that Mr. Thorn refused to give her some articles of furniture for her room and complained of his rudeness. The subject on which she wrote was plainly nothing but business, and Miss Hill produces plaintiff's Exhibit Thirteen (without date) which she claims is in his handwriting, and is the first of the alleged "My Dear Wife" letters. Mr. Sharon remained in Virginia City from the second to the tenth of October; then went to Lake Tahoe to visit friends. He arrived in San Francisco on the thirteenth. During his absence, and shortly after she was domiciled in the Grand Hotel, she said to Mr. Thorn: "Mr. Thorn I expect you will receive an anonymous letter about me, and when it comes I want to see it." She referred to it several times. At last it came. It contained a warning against Miss Hill, asserting that "her character is one to jeopardize the reputation of the hotel, and if she stays there long enough there will be a second Baldwin

Hotel escapade." He delivered the original to her, but kept a copy, which he produced, and it is in evidence.

She says: "Mr. Thorn come to me and said that he had received an anonymous letter, and Mr. Sharon had directed him to give the letter to me, and I took the letter, and I have the letter."

She denies all conversation with Mr. Thorn in respect to it, and says that after Mr. Sharon returned, he ordered the letter to be delivered to her. But it happens that on the day on which she received from Mr. Thorn this anonymous epistle Mr. Sharon was in Truckee, made a speech there, and later left for San Francisco. He had received no communication from the plaintiff, except her complaint of Mr. Thorn, to which I have referred, and he answered it as he has stated. She admits she wrote to him only once in sixteen days. We know the subject upon which she wrote, and the letter which she says she received contains no reference to this attack upon her character, and might have been written, save for the word "Wife," to any other complaining guest at the Grand Hotel, with whom Mr. Sharon was on moderately friendly terms, irrespective of sex. I confess that on the outset this "Wife" letter gave me great anxiety. Whatever my convictions of its fraudulent character, we had opportunity to see it only in court; and it was, I confess, difficult to determine its history, although we knew it to be a fraud. The only question was whether this woman was able, if it were a genuine letter from William Sharon, to extract the words "Miss Hill," after the words "my dear," and substitute the word "Wife." It did not then occur to us that the whole document was manufactured. Mr. Sharon was not, however, so weak-minded. It gave him no trouble. The moment his keen eyes rested upon it he said, "I think this document is a tracing from a letter written by me; that is my opinion with reference to the whole of it; but I state distinctly that the word 'Wife' is a forgery." I desire to call your Honor's attention to Exhibit Thirteen, because it takes its place in the chronology of the case at this point, and is, as I remarked, the first of the alleged "My dear Wife" letters. Your Honor will remember that those of the twenty-fifth of

September, were addressed "My dear Miss Hill," and "My dear Allie," while this commences "My dear Wife." Your Honor will observe that this document, as it lies before you, has a most singular appearance. It is written on a half sheet of paper known as "Commercial folio note," but the manufacturer's brand in the upper left hand corner has been obliterated by pressure or ironing, which has also nearly destroyed the very substance of the paper; and the paper itself has evidently been wet and exposed to sufficient heat to burn a hole in one place, and scorch it in others. The genuine letter written by Mr. Sharon to Mr. Thorn, which accompanied whatever Mr. Sharon did write to Miss Hill at that time is exhibited, and your Honor has it now before you. It also consists of a few lines written on a half sheet of paper headed with the engraved words, "Agency of the Bank of California, Nev. 18. . . .," leaving a blank for the date and the year, which is filled in so as to read "Oct. 16, 1880."

If these letters were written by Mr. Sharon at the same time, one would naturally expect to find both inscribed on the same kind of paper, and written with the same ink and pen; but this is not the case. The paper is wholly different; the ink has an entirely different hue, and each is written with a different pen. The plaintiff undertook to explain the wetting and burning. It was wet by burial in the ground, and, after its disinterment, was put either in the kitchen stove, or was held by Miss Brackett over a gas light, for the purpose of drying it. Her counsel have invented a theory concerning the paper, ink and pen, to the credit of which Judge Terry is entitled. He says the probability is that Mr. Sharon wrote the letter to Mr. Thorn at the Bank of California, and put it in his pocket, waited until he returned to his hotel, and then wrote this letter to the plaintiff, and enclosed and mailed it with the Thorn letter. This is his theory! The facts are unquestioned. The paper upon which these documents are respectively written, is entirely different. The "dear Wife" letter is written upon a narrower and longer sheet than the Thorn letter, and is clearly not on Bank paper, upon which

the Thorn letter is inscribed. That so important a letter, even if accidentally dampened, should be exposed to heat sufficient to burn a hole in it and roast it, is simply incredible. It is an insult to common sense to say that, even if it were wet, one would hold it so near a flame as to burn its edges and folds, and scorch it all over. I know not what could have induced Miss Hill, who had a safe in the Deposit Building, a box with her uncle, and a place at her brother's store where she could leave her valuable papers, to bury this document, which constituted her "honor." But if she did this act of folly, and found "her honor" damp or wet after such an interment, no method of drying should involve putting it in an oven, or endangering its existence; especially as the paper itself confesses that it has been subjected to flame, and not dried in an oven or pressed by a hot iron. What necessity compelled her to abuse, in this cruel way, any letter sent her by Mr. Sharon? Your Honor will, I hope, concur with me in judgment, that this treatment was deliberately contrived to give the document the appearance of age, and to disguise the manner in which it had been executed. I remark here that every written paper admitted in evidence on the plaintiff's behalf, which is claimed to bear upon the question of marriage, or to establish the fact, and most notably this paper, is "stuck full of suspicion." They have, all and singular, an evil aspect. They are blurred, rubbed or stained. They are torn, erased and greased, and present what I may call a generally filthy and unwashed appearance. They present none of the appearances that would naturally be exhibited by important papers carefully preserved from injury; but they all manifest intentional acts of partial destruction. I shall call your Honor's attention to these appearances as the various Exhibits are discussed in their chronological order, and I think your Honor will agree, that a more disreputable set of documents was never presented for examination in a court of justice. Whatever may be their merits, I undertake to say your Honor has never had submitted to you, in any controversy between litigants, however lowly, and no matter how indifferent the subject of discussion, or how-

ever unaccustomed the parties may have been to the handling of paper writings, or however careless of their preservation, such a set of papers as these produced by the plaintiff. And the suspicions which each of them, in its turn, arouses, attach with greater force to them when examined in connection with documents which chronologically precede or follow them. There are documents in evidence of very much less significance, of infinitely less importance to the plaintiff than these "dear Wife" letters, yet every one of them, with a single exception, is comparatively clean; they are all free from abrasion, erasure or the effects of rough handling, of burial, disinterment and burning. But the marriage contract and plaintiff's Exhibits Eleven, Thirteen, Sixteen, Twenty-nine and Thirty-seven, which constitute the "dear Wife" letters, are the most disreputable, ragged, begrimed, desperate-looking bundle of writings ever exhibited to human contempt.

It seems to me a gross attempt to impose upon human credulity, to ask us to believe that on the twenty-fifth of September, 1880, a husband would write his wife a note inquiring if it would be convenient for her to meet him that evening in the parlor of the Grand Hotel, and request her, if she cannot make such an appointment, to name a place and hour when she will see him, address it "My dear Miss Hill," and sign it, "Very truly, William Sharon." It is impossible that any husband could write such a letter to his wife, especially within a little month, or "ere those shoes were old" in which she made her solitary tramp to their wedding ceremony, and then tramped back, in the dust, to the Galindo Hotel. Such an anomaly as this must require explanation. Unless you adopt the theory suggested by her counsel, that every act of this man's and this woman's life has been an intentional contradiction of their true relations; unless you lay aside every principle and motive which can be supposed to govern human action; unless you award to William Sharon nothing more than the instinct which directs the movements of an idiot; unless you transform Miss Hill from what she is to something never yet known on earth; unless you are willing to lay aside all you know, and

forget all you have read, you can place no credence in one-thousandth part of her statements, or accept this Exhibit Thirteen as genuine. But if every known principle of life and action be brought to bear in judgment upon her story that Mr. Sharon wrote this letter after the notes of the twenty-fifth of September, and followed it by others which are in evidence, then his statement that the letter is a tracing, or the word "wife" a forgery, would be, without any other evidence, entitled to credit. There is no experience or theory of married relations with which these letters can be consistent. If it is to be argued that the peculiar address "My dear Miss Hill," contained in these notes of the twenty-fifth of September, to say nothing of his most unmatrimonial prayer for an assignation at any time and place that may suit the lady's convenience, was in accordance with and in fulfilment of the understanding that Miss Hill was not to make known the contents or the existence of the alleged contract of the twenty-fifth of August, 1880, for two years; and that the faithful performance of her agreement for apparent concubinage for that period required that each of the high contracting parties should so address the other in private correspondence that no suspicion of marital relations could be discovered, and demanded that private letters intended for the inspection of no eyes but those of the recipient should be so aptly phrased that the ordinary reader of the English language could understand nothing of good report from their perusal, but rather the contrary; why was it then, that only twenty-one days later, on the sixteenth of October, 1880, Mr. Sharon wrote Miss Hill a letter from Virginia City, in which he plainly, boldly and openly addresses her as "My dear Wife." Why should he follow this confession of their relations with addresses so conflicting and inconsistent—now varying between "Allie" and plain "Miss Hill," as in Exhibits Thirty-four and Thirty-five: now abbreviating her name to "My dear A—"and then sandwiching these careless and disrespectful appellations with notes commencing "My dear wife"? To do this was certainly most incongruous and unnatural; wholly inconsistent with the existence of marital relations, and out of all that harmony of

circumstance which should naturally, as between themselves, have characterized their secret intercourse at a period when all was peace and joy; when life was opening like a rosy dawn before them; when Hymen's torch had not yet ceased to burn, and when the long pain of experience had not succeeded to the short and illusive delights of such a honeymoon as she swears began in Mr. Sharon's office. These incongruous and irreconcilable facts should be enough to put the Court on inquiry as to whether this alleged letter of the defendant is a genuine writing. It comes in questionable shape; it is full of doubt. Your Honor should assume it to be a fraud, and look to see if you can find any of the *indicia* of good faith and genuineness in it, rather than accept it as genuine, and call on us to demonstrate its criminal character; but we accept the latter alternative and contend that we have proven the spurious nature of the document.

The defendant swears that, in his opinion, it is from beginning to end a manufactured document; and the later examinations of Mr. Hyde point conclusively in the same direction. Upon inspection of the document itself, and upon this testimony, we insist that it is altogether a criminal forgery; a tracing made from a genuine letter not produced, and in which tracing the word "Wife" has been added to the words "My dear," by means of a tracing made from a compound of the letters "W-i-f-e," taken from other writings of the defendant in the plaintiff's possession, and very possibly compounded from characters found in this letter itself. In support of this view, I ask your Honor to consider Exhibit Thirteen in its general expression. Place it before you and view it as you would a painted picture, in all its parts, and as a whole, to determine whether it came from the hand of an artist with whose style and peculiarities you are familiar, or is only an imitation, painted it may be by a cunning hand, possessing in the absence of the original some features of resemblance calculated to deceive, but after all, no more like the original than a mechanical copy of one of the Madonnas of Raphael is like the work of the great master himself.

Look steadily at defendant's Exhibit Thirty-eight, the Thorn letter. Fix in your mind its very image; its disjointed and irregular style; not stiff or labored, but irregular, wanting in symmetry, and, like all Mr. Sharon's letters, indicating a nervous temperament, and evidencing the mental and physical state of the writer. Regard it carefully, so that these characteristics of Mr. Sharon's genuine handwriting may impress themselves firmly upon your Honor's observation. Turn suddenly to No. Thirteen and mark the effect. Repeat this process again and again until the form, character and style of both become plainly and swiftly discernible, and I think your Honor will surely find a wide and most palpable difference as you "look here, upon this picture, and on this." There is a difference; and it is precisely the difference between life and death. The difference between the expression of the living human countenance borne by an animated form, and a pulseless counterfeit made in wax, of the lifeless features of the dead! Try again and again the experiment I suggest, and your Honor will see, without other testimony, or the analysis and comparison I propose to make, that it is a counterfeit. What can exceed the criminal insolence which can undertake to manufacture a fraudulent writing and place it before a Court for examination and investigation, as the basis of such rights as this woman claims?

After your Honor has made the suggested examination of the document as a whole, turn your attention to the extremely noticeable details which go to make up the general expression of the writings referred to, and also observe the many facts existent in the one known to be genuine, and which it must be confessed the other fails to exhibit. I ask your Honor to notice that Mr. Sharon usually writes above and parallel to the ruled lines upon the sheet. He does this always in using the pen. He conformed to this habit when he wrote Exhibit Thirty-eight in Virginia City. Why should he depart from it if he wrote Exhibit Thirteen at the same time? Why should it happen that in Exhibit Thirteen all the writing begins at the left above the ruled lines, and runs down to and below them at the right of each line, uniformly? Why should the lines of

writing be themselves in an almost absolute parallelism, but fail to conform to the ruled lines upon the sheet? I will presently answer this question.

I ask your Honor to notice that the paper upon which Exhibit Thirteen is written is different to that employed by Mr. Sharon in writing Exhibit Thirty-eight, and that the ink is different in each Exhibit, and the stroke of the pen also; both ink and pen being heavier and thicker in Thirteen than in Thirty-eight. These are conceded facts.

I ask your Honor to notice also that Exhibit Thirty-eight is dated "Virginia, Nevada, October 16th, 1880," and that the words "Virginia, Nev." and the figures "18" are engraved. The only characters in the date in the handwriting of Mr. Sharon being "Oct. 16th," "80." If we assume that the original of Exhibit Thirteen was written on the same style of paper as Exhibit Thirty-eight, we have a complete explanation of the fact that plaintiff's Exhibit Thirteen is without a date. All she could trace in the way of a date, would be the words and figures "Oct. 16th," "80," and if that had been attempted, its situation with reference to the engraved words and figures which went to make up the full date of the original letter would conclusively establish its fraudulent character; hence she never attempted to date it, but omitted that portion wholly from her copy! Your Honor may look through Mr. Sharon's letters and you will find his ink writings are invariably dated. His little notes are, with very few exceptions, dated; yet here are two letters which this woman says came to her inclosed in the same envelope from Virginia City, the one to Mr. Thorn exhibiting Mr. Sharon's invariable habit of dating his letters, the other, this rotten and rickety looking piece of paper, which she produces here as genuine, having no date at all.

I ask your Honor to notice that, in Exhibit Thirty-eight, there is on the left of the page a margin of half an inch which continues uniform its entire length; that in Exhibit Thirteen there is practically no such margin, hardly an eighth of an inch.

I ask your Honor to notice that Mr. Sharon's habit is to

leave such a margin, and this habit is singularly uniform in all writings of his where pen and ink are employed. Your Honor will find this characteristic in defendant's Exemplars One, Two, Three, Four and Five. You will find it in defendant's Exhibits Twenty-two and Twenty-three. You will find it in plaintiff's Exhibits Eleven, Twelve, Nineteen, Twenty-one, Thirty-four and Forty. No. Thirteen is, then, the solitary exception to an invariable custom. How did it occur?

It seems to me that if the paper on which Exhibits Thirteen and Thirty-eight, respectively, are written is examined, your Honor will plainly see the reason of this anomaly, and in the light of this and other circumstances, will find an unanswerable argument in favor of the conclusion that Exhibit Thirteen is a bungling fraud: and will conclude, as I do, that we should be ashamed of ourselves that we did not see it as soon as we looked at it. The paper on which Exhibit Thirteen is inscribed is just five inches in width, while that on which Exhibit Thirty-eight is written is five and a quarter. The text of these Exhibits taken together establishes that both of the original letters were written at the same time and place, and enclosed together in the same envelope.

The presumption would naturally arise that such documents would be written on the same style of paper, to say nothing about the same pen and the same ink. Mr. Sharon swears they were so written, and while it has been suggested by the counsel who follows me, that these discrepancies may be accounted for upon the theory that he wrote the Thorn letter at the Bank and the other at a later hour, and in a different place, the theory is not only without evidence to support it, but is directly contrary to the testimony.

Now, assume the simulated writing found on Exhibit Thirteen to be transferred to paper of the size and style of Exhibit Thirty-eight, and your Honor will see at once the margin which it is Mr. Sharon's invariable habit to leave. The lines of each writing are equal horizontally, but the tracer of the original letter addressed to Miss Hill, had at hand no paper equal in dimensions to that in use at the Virginia Agency of

the Bank of California upon which Exhibit Thirty-eight was written. She had only a half sheet of Commercial Note paper, different in color, texture and size. It was considerably longer and a quarter of an inch narrower; hence, when she placed the narrower sheet above the wider, she could of course leave no space for Mr. Sharon's usual margin at the left, and the traced handwriting filled the whole line, or very nearly so from left to right; and when the tracing was complete, Mr. Sharon's habit of leaving a margin, as manifested in the original, necessarily disappeared, but if you take this tracing and lay it over Exhibit Thirty-eight, you will find the margin is preserved; and you will also notice another curious fact, to which I will call your attention.

I have said that the disposition of the lines of the writing in Exhibit Thirteen is most peculiar and noticeable, and that it is not the result of accident, is perfectly evident. The writing commences two and a half inches from the top of the sheet and just two lines below the first ruled line. It ends before it reaches the bottom of the page and leaves two entire ruled lines untouched, so that the writer of Exhibit Thirteen wasted four entire ruled lines on the first page. The writing occupies about five inches in perpendicular space. If the original had been written upon the Bank paper, as Exhibit Thirty-eight is, it would have commenced on the ruled line which is provided for the address, and is found below the engraved words "Agency of the Bank of California, Virginia, Nevada," and it would have filled all the lines found on that page with the matter found on the first page of Exhibit Thirteen, and the writer would then have turned the half sheet and completed his letter on the second page. The guilty manufacturer of Exhibit Thirteen was met by this difficulty, whether she observed its effect or not. She could not stretch the writing so as to cover the longer sheet she was compelled to employ in her nefarious undertaking. The copy had to be followed. She was obliged to leave a clear space for tracing the words she found on the second page, and which showed through the sheet above the words "My dear," and also to undertake to dis-

tribute, as nearly equally as might be, upon the face of the longer sheet to which she was about to transfer it, the writing on the shorter or the original sheet which she was tracing. What did she do? She began her tracing two whole lines below the top ruled line (leaving two lines vacant at the top) and she was compelled to halt when she reached the bottom of the original, and to turn over and complete her work on the second page, leaving still two whole lines unused at the bottom of the first page of the half sheet employed for tracing. This act of tracing also accounts for the curious and uniform failure of the writing found on Exhibit Thirteen to conform to the ruled lines to which I have referred. It was wrongly begun. She placed the sheet over the original, probably without noticing that the right side was a trifle depressed. The ruling of the two sheets could not be made to correspond. They could not be easily seen, while the words were distinctly legible. Once fixed for the purpose of tracing, it remained in its position, and the lines of the copy as they followed the lines of the original manuscript maintained the same slight depression from left to right, which characterizes every line found on the first page of Exhibit Thirteen, and which is not found on the second page of the same Exhibit.

The microscope showed many words in Exhibit Thirteen where the pen had made unnatural halts and formed angles where curves should be.

Your Honor will find in this Exhibit many places that prove incontestably that it is a tracing. The unnatural halts and angles I have referred to exist all along each one of the lines, notably in the case of the "d" in the word "enclosed" on the third line. The letter "s" in the word "same" is unlike anything Mr. Sharon ever wrote. Instead of being an "s" it is an "l" and reads "lame." Mr. Sharon never wrote an "s" like that; but if your Honor will turn to plaintiff's Exhibit Four, I will show you who did.

This last fraudulent Exhibit, brought in to do the defendant injury, turns out to be, so far as it constitutes a specimen of this woman's handwriting, of more interest than almost any

other paper produced. Notice the words "My dear Senator;" regard the "S" in "Senator," and your Honor will see Miss Hill was the mother of both letters. Beyond any question they are her living image, and claim their affiliation. Examine the finish of the "n" on the sixth line; the "e" in "send" on the sixth line; the "t" and the "o" in the word "two;" the "p" in the word "envelope" on the seventh line; the "a" and the "n" in the word "and" on the same line; the word "he" on the eighth line; the word "anything" on the tenth line; the "a" and the "n" in the word "and" on the eleventh line; especially the word "fight" on the fifteenth line; your Honor will see that this last word starts with an up-stroke, and halts; the pen goes beneath it and passes down and makes the lower branch of the "f," comes up and turns away again to the right, and halts, and the "i" is underneath it. The top branch of the "f" goes over the "i" as the roof of a house projects over its side. Follow that "i" down; it comes to the side of the "g" and stops, and the "g" is connected with it there. It runs up to the top of the "h" and stops, so that there are five successive rests of the pen and five careful connections made with the pen in the letters of that single word alone. On the second page the words "be victorious in the end. With kindest consideration believe me as ever," are no more like Mr. Sharon's handwriting than they are like mine, and the signature does not bear the faintest resemblance to William Sharon's ordinary handwriting. If your Honor will examine the signature of William Sharon in Exhibit Thirty-eight, enclosed in this letter, by placing it at the side of this imitation, you will see how ludicrously the latter fails to accomplish the purpose designed. The writing on the second page does not even resemble that which it follows. Mr. Hyde, in answer to the question "Will you take your glass and show that there is evidence in the word 'fight' of separate and independent letters formed; that the 'f' is formed and joined to the 'i,' and that to the 'g,' each with a separate and distinct motion?" says: "That is precisely what I said before. If I did not make myself understood, it was my fault, but I think it was clear, and I think I gave an exact history of the method of making these letters."

"Q. Will you take your magnifier and show that fact to the Court, if it exists?

"A. (Showing the Court.) The letter "f" finishes and extends a small fraction of space beyond the commencement of the top stroke of the "i." I can see the top stroke of the "i" coming down over the finishing stroke of the "f," proving to me, therefore, that the "f" was finished and then the "i" was formed, the pen having been taken off. The "i" consists of two motions; the downward and the upward, and ends at the point where the down-stroke of the "g" crosses it, showing three straight marks with the pen in making that word "tight." Then the letter "i" having been made, the letters "g-h-t" were made with one sweep of the pen.

"Q. Take the same Exhibit No. Thirteen, and look at the words 'William Sharon' with your magnifier, and say whether or not there is more than one letter in the finish of that word, one on top of the other?

"A. Very manifestly there is the letter "o" at the end of that word, and it looks as if it had been formed with a pen, but I cannot see the relevancy of it, and I cannot say what it belongs to, so that I am at a loss to explain it."

Your Honor saw this paper as to all these items, exhibited under the lenses of the microscope, and I do not know why I should spend more time upon it. That wonderful little instrument took hold of this letter, pierced through every attempt at disguise which it presented, the wetting, the blurring, the burning and the tearing, and held it up where it has since remained, and I think will always remain, in the judgment of any one who has ever examined it, an object of derision and of shame.

On the fourteenth of October, Mr. Sharon, who had returned the day before from Virginia City, wrote Mr. Thorn a letter to the effect that Miss Hill could pay her bill at the end of the month, and not in advance, "which is all right. W. Sharon."

Mr. Sharon admits that, on the same day, he gave Miss Hill an order on the West Coast Furniture Company; and connected with this order is some most perplexing testimony. I refer to that given by Martha Wilson and Vesta Snow. Considering their story by itself, it seems utterly incredible that a woman in Miss Hill's situation, who had formed a marriage by contract, which contract contained a stipulation on her part, that neither

the contents of the paper nor even its existence should be disclosed by her for two years, and believing, as she says she did, that to fail to keep her secret, would break the marriage contract and set her victim free, would exhibit it at all. She was so strongly impressed with this idea (so she says) that in her fictitious letter of June, 1882, she writes, "I have been snubbed by all my friends and relatives, and cut by society, and yet I have kept my secret." She had failed to tell her brother, who lived in the house with her. She had failed to reveal her secret to any one of her relatives or respectable acquaintances: yet we are asked to believe that for the sake of securing the chaperonage of a negro woman to the West Coast Furniture Company to select an inlaid table and a little writing desk, she was willing to exhibit this paper to her. There are very remarkable features in this transaction. In the first place, it is surprising that Martha Wilson should be so timid about her own standing in colored society circles, that she should hesitate to go anywhere on earth with a lady who employed her. The assumption of such punctiliousness is one of the most absurd incidents of the case. She was a negress; a common working woman: employed by Miss Hill to do sewing at the Baldwin Hotel in September, 1880. She swears she told Miss Hill she did not think it wise for her to go to the Grand, and that she would get into a scrape if she did, and that Miss Hill replied, "Well, I am going to move down there anyway; Mr. Sharon is just crazy to marry me." Fourteen days later, Martha Wilson, knowing the relations that existed between Mr. Sharon and Miss Hill, and that she had gone to the Grand Hotel because Mr. Sharon was in love with her and was crazy to marry her: when Miss Hill herself had been in the Grand Hotel not a fortnight, during all of which fortnight Mr. Sharon had been absent, save on one day, and long before scandal began to wag its tongue; became so sensitive about her own reputation, that she declined to accompany Miss Hill to a furniture factory! She pretends that this remarkable squeamishness induced her employer to exhibit the contract. Was there the slightest occasion for this colored woman to air her virtue or disapprove

of anything Miss Hill might do? She was in no position to do so. If Miss Hill was Mr. Sharon's wife, why did she require a chaperon to visit a factory owned by her husband? Why so painfully proper about the selection of the trifles Mr. Sharon had given her leave to select from the stock of this establishment, when she had moved to the Grand Hotel to be near him, and had entered its doors in triumph, escorted in a manner to advertise what she calls "some great relation" between them? Her contract bound her to a state of apparent concubinage: she had solemnly covenanted that for two years she would live with him, studiously concealing her marriage or the existence of her contract. She was willing to perform its terms. Why should she go to this obscure colored woman, Martha Wilson, and ask her chaperonage to a remote part of the city where very few people Miss Hill knew would be likely ever to meet her? She could easily enter a street car, go to the factory, select what she wanted and return without observation or scandal. The factory was a respectable place, and her business there was not calculated to excite public comment; at least, there was no sufficient motive for taking Mrs. Wilson into her confidence. My own conclusion is that the testimony of Martha Wilson and Vesta Snow from beginning to end is false, not merely because of its intrinsic improbability, but more especially because, as we shall see, Miss Hill's admitted contemporaneous conduct was such as to render it absolutely incredible that she had this alleged contract at this time. I contend that it never had a material existence until after she moved into her Ellis street house, in 1882. I claim it was concocted and manufactured there. All other known facts and circumstances make it utterly improbable that in October, 1880, she had the thought of pretending marriage, or until after she left the Grand Hotel in December, 1881. If your Honor shall conclude that she did not suppose herself married by contract to Mr. Sharon in December, 1881, certainly she could not have entertained the thought a year earlier. Hear now Miss Hill's version of this episode. She says: "I went down to Martha and asked her to go with me to the West

Coast Furniture Company to get these things; and Martha declined. I went again, and she said she did not think it would be proper for her to go with me down to the West Coast Furniture Company." Did you ever hear anything so utterly absurd! Would a laboring negro woman say to a lady of Miss Hill's lofty lineage and unblemished character, that she did not think it proper for her to accompany Miss Hill to the West Coast Furniture Company's warehouse to get thirty dollars' worth of furniture for use in rooms occupied by her in the hotel owned by Mr. Sharon? Could it direct suspicion against the character of the least punctilious of Africans that Miss Hill's landlord furnished her apartments in a manner to suit her? Yet in so harmless and natural an incident, which might have happened to the most virtuous of women, Mrs. Wilson sees peril to her own unblemished character, and actually does not think it proper for her to go! Accordingly, Miss Hill showed Mrs. Wilson her marriage contract and silenced the voice of her astonishing prudery. She takes it from her pocket. She reads it aloud. Still Martha's chaste scruples point the path of virtuous doubt, and Martha cannot believe. She cannot read, and hesitates until Vesta Snow, a stranger to Miss Hill, fortunately dropped in, and the latter delivered it to Vesta to read for Martha's benefit. Then Martha surrenders. Truly a special providence, so special, that to the mind which believes the age of miracles has gone, it seems to be a special falsehood, manufactured to order, if not to "point a moral," at least to "adorn a tale."

Well, sir, after this impossible transaction, Miss Hill and her chaperon visit the factory, select the goods, which, after a temporary delay at Mrs. Wilson's house from which they are finally ostensibly sent, are delivered to Miss Hill at the Grand Hotel. If she had been seeking a confidant, she certainly was on terms with Mrs. Bornemann which might more naturally have led her to this lady. She saw Mrs. Bornemann that very day! Why should she go on her knees to a negro wench, and betray her cherished secret to a woman of Vesta Snow's sorely repulsive aspect, when beautiful Mrs. Bornemann was at her beck and call? Your Honor remembers that on the fifteenth

of October, in consequence of an appointment made on the fourteenth, the day Miss Hill made her disclosure to this queer couple, Miss Hill and Mr. Hossack went to Mrs. Bornemann's and the three spent the day together, visiting art galleries on Market and Post streets. Miss Hill dined with Mrs. Bornemann and spent the evening at her house. Now, this was a curious circumstance, if Miss Hill was Mr. Sharon's wife. He had been absent sixteen days; he returned on the fourteenth, and the very next day, this bride goes with Mr. Hossack to Mrs. Bornemann's and the three spend the day together, and Miss Hill dines with Mrs. Bornemann! Strangely, too, during that same day Miss Hill proposes a moonlight drive, and selects as a partner for Mrs. Bornemann one Howland, whom Mrs. Bornemann says she knew, but whom she had not met for a long time. Miss Hill kept Mr. Hossack for herself. They agreed to take a moonlight drive on the night of Saturday, the sixteenth of October, though Miss Hill's husband was just returned from a sixteen days' trip to Nevada! Accordingly on Saturday night Miss Hill dined with Mrs. Bornemann: the two men came for them about eight o'clock in the evening, and Miss Hill and Mr. Hossack, Mrs. Bornemann and Mr. Howland drove to the Fourteen Mile House, where they had supper, and then returned to the city. Mrs. Bornemann swore that Miss Hill and Hossack proposed this questionable expedition. When Miss Hill was asked about it, she prevaricated, equivocated, and finally admitted she did go, but denied that she took supper there or entered the house. Mrs. Bornemann said, "We did have supper: we got out, went into the dining-room and had oysters and beer," or something equally nourishing and inspiring. What bride is this, who drives by moonlight twenty-eight miles with another woman and two men, takes supper at a disreputable roadside inn, and gets home and to bed in the early hours of the Sabbath morning? I would have given something handsome to see her husband sitting up waiting for her to come home! Was this a newly married woman? Could she, after such an absence on the part of her husband, spend the day after his return with Mr. Hossack and Mrs. Bornemann, remaining to dine at Mrs. Bornemann's, and the next

night—Saturday night—the night sacred to sweethearts and wives—could this lovely bride, sprung from one of the first families of Cape Girardeau in the State of Missouri, climb into a two-horse wagon, and with another woman and two men, drive down to the Fourteen Mile House, a notoriously disorderly resort, take supper and get back in the gray of Sunday morning? It was at least most unkind and thoughtless to do so, because Mr. Sharon was compelled to return to Virginia City on the following Monday. Where she was on Sunday, the seventeenth, we are not informed. She was probably recuperating from her moonlight flitting; but we do know that on the eighteenth of October Mr. Sharon again departed for Virginia City.

She was asked if he went, when he went, and where he went at this time; yet this bride, who had been so coldly treated by her husband, did not know! On the nineteenth he arrived at the International Hotel at Virginia City, and was there on the twenty-first and twenty-second. On the twenty-third of October Mr. Morgan Hill put in his appearance at the Grand Hotel. Why did he not go there with his sister? She says he was very indignant at her moving to the Grand Hotel, and would have nothing to do with her in consequence; but finally "the relatives" persuaded him to go and take care of her! Is there any truth in this story? If he did, he adopted most remarkable means *not* to look out for her. He selected an apartment just as far from her as he could get. She was domiciled in room two hundred and eight, facing New Montgomery street, on the first floor, four doors south of the bridge connecting the Palace and the Grand Hotels. Why did not this brother, if he went there to protect her, select a room where he could be with her or near her? He chose room sixty-eight, away on the Market street side of the Hotel, an inner room facing the court; and in it he remained, paying no sort of heed, so far as we know, to his sister, except on two or three occasions when he went out to visit with her. He knew, and doubtless cared, nothing about her movements; and she actually swears that when she was ejected from the Grand

Hotel on the sixth of December, 1881, he knew nothing about it; and, notwithstanding her departure was a public scandal, there he stayed until September, 1883!

Mr. Sharon remained in Virginia City until the thirty-first of October, 1880, when he went to Carson. He had been then in the State of Nevada since the twenty-ninth day of September, with the exception of six days. Your Honor is asked to believe that during all this time Miss Hill, though a bride, never wrote her husband a letter; never telegraphed; never received a single communication from him save Exhibit Thirteen, which we have just examined. What a love-letter from the ardent and impassioned bridegroom, who had wooed her with the "Maid of Athens!" If your Honor had lived in the Hotel and had written to him complaining of rudeness from the manager, and had wished him good luck in his Senatorial struggle, he would have replied:

"Hon. J. F. Sullivan:

My dear Sir—

In reply to your kind letter, I have written Mr. Thorn and enclose same to you which you can read, and then send it to him in an envelope and he will not know you have seen it. Sorry that anything should occur to annoy you, and think the letter will command the kind courtesy you deserve. Am having a very lively and hard fight, but think I shall be victorious in the end. With kindest consideration, believe me as ever,

WM. SHARON."

If this letter had been written by Cassio to Desdemona, and Othello had picked it up, he would never have thought again of the handkerchief! It could have been written by any man to any person irrespective of sex, "color or previous condition of servitude;" and it was the only letter which passed between this lover and his mistress, this husband and his wife, during a separation of twenty-eight days!

Miss Hill swears that during the month of November, 1880, she "generally" dined on Sundays with Mrs. Bornemann, on Thirteenth street, and Mr. Sharon "generally" came for her in his carriage or a coupe. Was this so? Mrs. Bornemann says it was not. That when Miss Hill came there, she came by

herself and went by herself; and that never, to her knowledge, did Mr. Sharon call at her house for Miss Hill. Ki says Miss Hill dined with Mr. Sharon two or three times a week during this period of their acquaintance; passed the night with him once or twice a week; and that this intercourse continued until Mr. Sharon went to Washington in January, 1881.

So she lived! Out by day and night with Mrs. Bornemann, out with Mr. Hossack, out with Mr. Howland, out with Lieutenant Le Fevre, out with Lieutenant Emeric; and occasionally, in the darkness of the night, and under cover of its shadow, flitting like a bat across the bridge from the Grand to the Palace, scurrying up the stairs, flying along the half-lighted corridors until she reached the door of Mr. Sharon's private apartments and disappeared within them. Out again in the early morning, she fluttered warily back to her own room. She took occasional meals with him, as we shall see, when he sent for her; and sometimes when he did not. And this clandestine and meretricious intimacy is what her advocates call "the lawful cohabitation of husband and wife."

After the election in Nevada was over Mr. Sharon returned to San Francisco. He had, on this trip, been absent since the eighteenth of October, sixteen days. The forgery your Honor has before you is dated before his return on the fourteenth; but during this latter absence it is not pretended she ever wrote to him, that he ever wrote to her, or that any communication whatever passed between them. Is not this a most significant fact? Here was a young lady of intelligence and culture, sprung from one of the first families of Cape Girardeau, in the State of Missouri, who had secretly allied herself with a lowly clod from Smithfield, in the State of Ohio, and he had left her to engage in a contest for the Senatorship of the United States, from Nevada. While he was thus aspiring to this high office, battling for the grandest political honor that can engage the ambition of any statesman, this woman, who claims to be his wife, this woman who, as Miss Brackett says, told her in explanation of such a marriage, "I was so madly

in love with him, Nellie, and he was so much in love with me," must now admit that she could cool her husband so suddenly that during the entire time of his second visit to Virginia City he never wrote to her, and apparently never thought of her existence. Moreover, she does not pretend that she ever communicated with her husband by mail or telegraph, or in any other way, to assure him of her sympathy or love. Well, she had nothing to write about. Mr. Thorn had given her the second-hand articles she coveted; she had forty dollars' worth of cheap furniture out of the stock of the West Coast Furniture Company; she was receiving her salary regularly; her hotel bills were not required to be paid until the end of the month: and she was all right. Beyond these matters there was no subject in common upon which they cared to exchange views. There were no ties between them; she had not even an aspiration that he might win in his Senatorial struggle, though it was conducted by him under very disadvantageous conditions. Would a woman, married to a man under such or any conceivable circumstances, fail to write to him? Would a man really married fail to write to his wife or to telegraph to her regarding his prospects? Would their correspondence have been limited to this wretched and palpable fraud, attempted to be palmed off on your Honor's judicial intelligence? Would this be the sole proof of marital association between them? We cannot believe it possible. Your Honor knows that if they had been married, she would either have been by his side, or if that were impossible or undesirable, their communications would have been frequent and tender. She would have written him many letters. She is prolific in correspondence. See her when she was trying to manipulate the Reigarts! Consider the tide of communication to which I shall later call your Honor's attention, which flowed without an ebb between herself and these people whom she had not known except as transient guests at the Palace Hotel. See how her gushing, affectionate nature spatters Mrs. Reigart with such tender epithets as "my sister," "my dear little woman." No words could be more seductive than she used when trying to suggest

to Mr. Reigart one perjury in her behalf and to Mrs. Reigart another. Write ! She can write by the ream. She holds the pen of a most ready writer. Her education is defective ; she spells horribly ; and has most ragged and disjointed notions concerning the grammatical construction of sentences, but she can put as much twaddle on a page of note paper as any woman who ever lived. I shall consider the Reigart correspondence when I reach it in its historical order, and will then point out some very singular characteristics of the plaintiff. It is enough now to remark that this woman had the ability to write ; and if she had been married, under any circumstances, she certainly would have written to her husband.

On the fourth of November, 1880, Miss Hill, like Hans Breitmann, " gif a barty " at the Grand Hotel. There was nothing remarkable about the entertainment, except that there were a number of respectable people there, and Mr. Sharon was present by invitation. He says Miss Hill wrote him a note on his return from Nevada on the third of November, informing him that she was to have this party, and asking him to come. He went. There he was introduced by Miss Hill to Mrs. Bornemann. Mrs. Bornemann says this was the first time she ever knew that the plaintiff was even acquainted with Senator Sharon. She had never heard her speak of him, yet she had been her most intimate friend in July, in August and in September ; so closely acquainted with all her movements that we learn from her the dates of many important events of which, though the plaintiff attempted to speak, she could not remember the time of their occurrence, and, I may add, considering the variety and extent of her other attainments, her want of chronological knowledge is very striking. Mrs. Bornemann says that though she had known her so well, though she had frequently visited her, and her visits had been constantly returned during the period of the courtship, at the time of the marriage, and during the honeymoon, she had never heard the plaintiff utter the name of the defendant ! The plaintiff has sworn that she gave this " musicale " in honor of Mr. Sharon and at his request. He denies it flatly ; says

he had nothing to do with it, and never knew anything about it until after he had returned from an absence of sixteen days, during which she had never written to him nor he to her. She sent him word she was to have the party, and he went to it. Is her little story true? It cannot be true. Again the inevitable chronology disproves it. He had only just returned from Virginia. She must have had her party in prospect long enough to send invitations to a considerable number of people. If he requested her to give this party, when did he request it? Was it before he went away to Virginia? Was it by letter or telegram during his absence? How had he communicated any request to her? It is easy enough to tell such a story. It is easy to say "I gave this party at Mr. Sharon's request and in his honor," but when we find where the parties were at the time, it is utterly impossible to be true. If it was in honor of Mr. Sharon's return, arranged in anticipation of it, how did she ascertain he was coming back? She had not heard from him. He had not communicated with her by mail or telegraph, and she knew nothing of his movements. She could not know when to expect him. This is another of the numberless illustrations we find in her testimony of her marvelous capacity for romancing. Mingled with most of her falsehoods is a little truth. She did have a party; a fact of no significance except so far as she may contrive in some way to connect it with her alleged husband; and she achieves this result by averring that she gave it in Mr. Sharon's honor and at his request. So the fact of the party exists, but the rest of her narration is a palpable untruth. During this evening a proposition was made by Mr. Sharon, as she says, that she and Mrs. Bornemann should visit Belmont with him. But if your Honor will examine Plaintiff's Exhibit Twelve, you will see the expedition was contrived without much aid from him. It says:

"November 6, 1880.

My dear Allie:

Will be over soon and arrange for the trip to Belmont."

This note shows plainly enough that she had concocted the

invitation, and that up to Saturday noon, the day they went to Belmont, he had nothing to do with it. This was the first of those visits to Belmont, of which so much has been said. Counsel dwell upon them with a degree of vehemence and iteration which is striking and perhaps calculated to make an impression upon the mind of your Honor. Mr. Tyler has rung the changes upon the question "Would Mr. Sharon have taken his—" using the most unsavory name by which women of easy virtue are known—"to Belmont?" She was not, ostensibly, of that class, by any manner of means. She was a woman who, while not unwilling to commit improprieties and receive money for so doing, had yet enough of outward respectability not to parade her trade. She was then wearing the veil of decency, which in the following summer she so boldly cast aside. Whatever may be said of the impropriety of Mr. Sharon's taking, under any guise, a woman to Belmont with whom he sustained improper relations, an impropriety which he confesses with frank regret, there is this to be said about it; whatever their relations were, he never took her to Belmont by herself. If his intimacy with her when he was away from Belmont was meretricious, he never soiled the threshold or sullied the hearthstone of that house by impure conduct with her. She went on this Saturday with him and Mrs. Bornemann. Did he take her there for illicit purposes? Did he take her there for the purpose of enjoying her as a secret wife, or otherwise? Not at all. The record shows that whenever she put her foot within the precincts of Belmont, it was always in the company of other guests, or under the protection of a lady like Mrs. Bornemann, whose bed she shared during the entire visit. They were together all the time; there was not five minutes in which Miss Hill was out of her sight. What was true of the first visit was true of all. Whenever she went there, his conduct and demeanor towards her was such as he would have shown to the most ordinary acquaintance. It had nothing in it of impurity or suggestion of evil. On this first occasion they went by the afternoon train, and arrived in time for dinner. Mrs. Bornemann and the

plaintiff were assigned the same room by the housekeeper, Miss Fry, and occupied it together. Here occurs another illustration of the peculiar and instinctive inclination of Miss Hill to falsehood. Perhaps she is not to blame for the propensity, because she cannot help it. It is impossible for her to tell the truth. No matter what fact she relates ; no matter what circumstance she mentions ; no matter what paper she produces, while there may be some simple and immaterial particular which is true, as for instance, the fact of the telegram from Ed. Wheeler, to which I am about to refer, yet all her story connected with it is untrue. She says : " We were there three or four days. Mr. Sharon and I found Mrs. Bornemann very much in our way, and we determined to send after somebody so that we could be by ourselves. Accordingly I telegraphed for Mr. Wheeler, or I wrote him, I forget which, and I received " ---and here, with an air of triumph, she puts her hand in her bag and pulls out a telegram from Mr. Ed. Wheeler ! The moment it was produced the falsity of her story was manifest to anyone who knew the chronology of events. Mrs. Bornemann says that she and Miss Hill made up the party. It was originally designed that Mr. Hossack, who was the plaintiff's particular friend, or Mr. Howland should go along ; but neither of them could leave the city. Before the departure of the party on Saturday, Miss Hill wrote a note to Mr. Ed. Wheeler asking him if he would go with them that afternoon. Mr. Wheeler not being at home, did not get the note until he returned in the evening. Then he sent a telegram on the night of the very day the party started for Belmont saying : " I will be down on 10:40 train. Just received your note. E. O. W."

In other words, she and Mr. Sharon did not find Mrs. Bornemann very much in their way. They were not there three or four days, nor was their billing and cooing interfered with by the presence of Mrs. Bornemann ; but, before they started, she asked Mr. Ed. Wheeler to go with the party. She received his telegram the Saturday night of their arrival, and he came on Sunday morning. Miss Hill and Mrs. Bornemann occupied, as I say, the same apartment ; and Ed. Wheeler's arrival on

Sunday did not appear to make any difference with that or any other arrangement, present or prospective. Mrs. Bornemann says the party never separated during the time they were at Belmont, and nothing occurred to excite even her suspicion that there was anything unusual in Mr. Sharon's attentions to Miss Hill; still less that there were any other relations upon which a proper construction could be placed in the case of matrimony, or an improper construction where matrimony did not exist. The story of the incidents of this visit is another falsehood demonstrated to be historically untrue, because it is plainly inconsistent with facts, circumstances and dates, about which there can be no mistake, which no witness can successfully misrepresent, and no Court misunderstand.

On Monday, the eighth of November, Miss Hill, Mr. Ed. Wheeler, Mrs. Bornemann and Senator Sharon came together from Belmont, took luncheon at Mr. Sharon's room at the Palace and spent the day there. Mrs. Bornemann went home to dinner, and Miss Hill dined with Mr. Sharon. She says upon her examination on rebuttal, "This was the first time I had ever eaten in Mr. Sharon's rooms." It was the eighth of November. They had been already nearly three months married, and yet the first breaking of family bread was in company with Ed. Wheeler and Mrs. Bornemann, all taking luncheon and spending the afternoon as mere guests; and at last, she dines with Mr. Sharon alone! We have no record of what followed this family reunion, until Friday, the twelfth of November, when another visit to Belmont occurred, characterized by the same circumstances. She did not go to Belmont with the defendant as her husband, real or disguised. Mrs. Bornemann, her two little children, her friend Miss Hill, and Mr. Sharon went to Belmont by the road, and when they arrived there, Miss Hill, as Miss Hill, was put into the same bedroom with Mrs. Bornemann, and the children were disposed of in the room adjoining. The apartments communicated and the door was left open. Miss Hill was a guest just as Mrs. Bornemann was, and was treated, as Mrs. Bornemann says they both were, by Mr. Sharon, with kind courtesy. There was not the slightest indication of

any improper relation between them, still less the open exhibition of any act appertaining to matrimony. While these two women were so intimate, hunting in couples day and night, visiting together at Belmont, dining together, going on moonlight excursions with self-selected partners, Mrs. Bornemann never received a hint from the plaintiff that there was any thing more than ordinary friendly relations between herself and Mr. Sharon. It was not until after this second visit to Belmont that Miss Hill spoke of Mr. Sharon's feelings towards her, and we shall presently see what she said on this subject. Yet, at the same time, the plaintiff asks your Honor to believe that, in October, she revealed to a negro woman, who could neither read nor write, and to Vesta Snow, an utter stranger, the vital, though secret fact of her marriage; that she had whispered it into the sympathizing ear of Mammy Pleasance, another negro woman; but purposely refrained from confiding to her brother who lived in the same house with her, to her numerous relations, and to this intimate friend, a fact so important to her character and reputation. If ever a woman spoke when she should have been silent, and was silent when she should have spoken, it was this plaintiff, as she herself confesses; avoiding disclosures wherever disclosures could do her good; betraying so momentous a secret upon most frivolous grounds to women who had not the slightest claim upon her confidence; women whom any lady would intuitively decline to take to the bosom of her trust. Notwithstanding Mr. Tyler's loudly expressed admiration of the exquisite and tender relations which are asserted to have existed between a vulgar negro seamstress and her white employer, such associations have something in them which seems to me monstrous and unreasonable. It is wholly improbable that Vesta Snow and Martha Wilson can be honest witnesses, if Mrs. Bornemann tells the truth concerning her personal intimacy with Miss Hill.

In connection with the first Belmont expedition, Miss Hill gives us another one of her inventions. The note already cited of the sixth of November shows that Mr. Sharon had made,

as yet, no arrangement for Miss Hill and Mrs. Bornemann to visit Belmont. It was written, however, the day they went. It says:

“ My dear Allie :—

Will be over soon and arrange for the trip to Belmont. As ever

Very truly, WILLIAM SHARON.”

I do not pause to comment, at length, on this language from a husband to his wife ! It is simply a note from a gentleman entertaining kindly feelings towards a lady who wished to visit Belmont with a female friend. But consider this note together with the following narration : Miss Hill says Mr. Sharon told her that Flora wanted to go with “ the party,” but would not go if Miss Hill went ; that Mr. Sharon said he told this young daughter of his, as dear to him as the apple of his eye, that if she did not want to go with Miss Hill, she could stay at home ; that Miss Hill had as much right at Belmont as she had ! Read this letter in connection with Mr. Sharon’s account of the way the expedition to Belmont was planned. Your Honor will see that Miss Hill made an application to him, as he says, for leave to go with her friend. It was not until some time during the morning of Saturday that he said he would come over and arrange for the visit. Yet the plaintiff swears Mr. Sharon told her, as if this, her first trip to Belmont was a great event, that Miss Flora desired to go with “ the party,” but would not go if Miss Hill went. What “ party ” was it ? There was no “ party ” but Miss Hill and Mrs. Bornemann. Was it that Miss Flora wished to go with Mrs. Bornemann, but not with Miss Hill ?

There is no evidence that she had ever even know or spoken to either of them. What was “ the party ” this young lady was so anxious to join on the twelfth of November, within thirty days of her own marriage to an English baronet ? Mr. Sharon says he never uttered a word of this alleged conversation. If Miss Flora Sharon knew neither Mrs. Bornemann nor Miss Hill, how she could desire to go with “ the party ” to Belmont, but would not go if Miss Hill went, is something which passes human understanding. More than this, her story is that Mr.

Sharon and she were secretly married, and their intimate relations were not known or to be made known under any circumstances. Why then should Mr. Sharon tell his daughter that Miss Hill had as much right in Belmont as she had? Why should he make the remark, if his intimacy with Miss Hill was designed to be hidden from observation? Such language is absolutely irreconcilable with her own theory, and impossible upon ours. This episode must be characterized as an invention concocted for the sole purpose of annoying the defendant. It was made the pretext for an application for a commission to England to take the testimony of Lady Hesketh; a commission which was never issued. It was devised by the plaintiff and her then advisers as one of many petty and miserable annoyances to which she and they have subjected him, in the hope of forcing him into a compromise. And while speaking of compromise, I wish to note how the whole design upon which Miss Hill moved to the assault on Mr. Sharon was based on the expectation that he would compromise. In Miss Hill's letter to Neilson—that fearful wail that sounds as though it were a message from one criminal to another, stealthily whispered from a cell window in a common jail—she says, in effect: "Our understanding was it should never come to Court, our understanding was that you were to go at him, and at his girls, and make him settle. You asked and begged to begin this fight, and promised no harm should come to me."

Why, sir, what kind of conception did Miss Hill and Neilson have of marriage? Did they suppose that if parties were truly married by private contract, they could be divorced by private contract? Did they suppose that if Mr. Sharon had actually married this woman, he could draw a check for an amount of money that would satisfy those concerned in the conspiracy against him, obtain possession of the marriage contract and the "dear wife" letters, complete their destruction and walk off a single man? When people are married, they cannot escape the obligations, duties, and responsibilities of matrimony. Nothing can divorce husband and wife except the decree of an

earthly tribunal of competent jurisdiction, or that higer decree which is pronounced by the King of Terrors. Yet the people engaged in this villainous enterprise seemed to move along the line of settlement and compromise. If Mr. Sharon, rather than be dragged as he has been, before the public, rather than be punished as he has been by publications in the daily press, lampooned, caricatured and derided by the weekly press, and annoyed, distressed and irritated in a thousand unnameable ways, had been willing to pay half a million dollars to Miss Hill to compromise her claims and obtain a cancellation of that forged declaration of marriage, he could not have escaped her. If she had surrendered her contract, her "dear wife" letters, every scrap of paper in her possession, had given him a receipt in full for all demands, and gone her wicked way with the reward of her crime, she could have enjoyed it until death removed him, and then, notwithstanding all, if he died intestate, she could have marched into the Probate Court and claimed a widow's right to administer on his estate and, under any circumstances, demand all to which a widow is entitled; and the very fact that he had destroyed these papers, the very fact that he had paid her even half a million dollars, would be the crowning evidence to establish his recognition of the marriage, maintain her rights, and give her the most effective lever she could ask to force herself into his family circle and wear his name, as his widow. So, when marriage was pretended, there was nothing for him to do but fight it to its judicial death: to expose its deformities and villainies, no matter how much he suffered; no matter how deep his wounds. Can your Honor believe that any consideration of money would have influenced Mr. Sharon if he could have saved his family the suffering this wretched business has brought upon them? Does your Honor suppose he would have provoked or maintained such a war? He has been compelled to resist. It is she and her allies who have opened the attack. The first overt act of this foul conspiracy commenced with the complaint of Neilson, drawn by Judge Tyler. Not that the woman herself had ever made a demand for the restoration of any conjugal rights, or ever said a word

to him about her claim of wifehood, or ever made pretense of its existence, other than what she now testifies. Upon this complaint Mr. Sharon was arrested by warrant from the Police Court under a statute which punishes adultery as a criminal offense, a downright felony! Miss Hill, in one of her letters to the Reigarts, says: "You might think this case was brought wrong. Under the law of this country it had to be brought this way. After in this criminal case I am declared the wife I can then sue for alimony or for divorce." I wonder if Judge Tyler was her adviser. I wonder if this was the guidance this young, innocent, loving and devoted wife received from him—advice that she should prosecute her husband through William M. Neilson in the Police Court, and have him held to bail in the sum of five thousand dollars for a criminal offense amounting to felony in order that she might be "declared the wife." No, sir; the object of the criminal arrest was to menace and threaten him; to leave the way open to him whereby, on the payment of money, he might escape. There was no thought of ultimately adjudicating the question of marriage in that tribunal. When, in the Police Court, Mr. Sharon demanded to be tried, Judge Tyler, acting for "the people," dismissed the prosecution, because, as he said, the statute was repealed, when it was not repealed; and that shameful proceeding was tardily followed by this civil suit. It was not an attempt to establish the relation of husband and wife, but to blackmail, to extort money from the defendant. I declare for him that, as a matter of money, Miss Hill's assault was of no importance. The annoyance and vexation, the deep and abiding sorrow it has brought upon his family could not be compensated by every dollar of his millions. The mortification and unhappiness it has brought on his children can never be atoned for, and no one feels this more keenly than he. Yet the lawyers who have dragged this wretched business before the public, rise here and prate of the outrage of resisting such a claim; though your Honor knows he must contest it, because there is nothing for him but resistance or the admission of a false fact more injurious and disgraceful than the exposure of meretricious relations with this woman, or any other. He must beat off this

treacherous assault if he can; but even defeat, "that most unkindest cut of all," is better a thousand times than base submission to crimes so sickening; better a thousand times than the payment of blood money to such a criminal!

Mrs. Bornemann, her children, Senator Sharon and the plaintiff went to Belmont on Friday, the twelfth of November. They returned on Sunday. Miss Hill seizes on this occasion to tell another of her little stories to illustrate the powerful influence she exercised at this time over her husband.(?) She says, "When we left Belmont, I persuaded Mr. Sharon to give Mrs. Bornemann a pair of chickens and a dozen eggs out of the poultry yard which furnished fowls for the Palace Hotel." She "persuaded him!" How ardent that wifely entreaty must have been! One of the counsel smiles and says he has no doubt it was hard work to get them. Let it be so. She was successful:

"And as an evening dragon came
Assailant on the perched roosts
And nests in order ranged
Of tame villatic fowl."

And so the party and the eggs and the chickens arrived in safety. Mrs. Bornemann went home, and Miss Hill says, that on arrival at the hotel, she changed her dress and dined with Mr. Sharon in his room. About the middle of this month Mr. Sharon accompanied Miss Hill to Oakland and called on her old friend, Mrs. Hardenberg. She is a lady in the decline of life: of gentle manner and candid expression; a motherly, kindly, amiable woman; desirous of telling the truth, though evidently strongly impressed by her knowledge of Miss Hill's character and her conviction that she is engaged in a nefarious undertaking. She says: "While Mr. Sharon and Mr. Hardenberg were conversing in one room, Miss Hill and myself were in another. She told me they were engaged to be married. I said I was very glad to hear it, and added, 'no long engagements, Allie, with these old chaps; the sooner you are married the better, if you are engaged to him.' She told me her brother and uncle objected to it, and thought that he was too old for her. She spoke of his age and position, and said he was very wealthy, and that was an inducement. I said it

certainly was. I said it would be very nice to marry a man of his wealth; that she could have her carriage and ride around over her enemies, and so forth. They remained about half or three-quarters of an hour. I invited them to stay to dinner, but he declined."

Mr. Tyler says that such conversation was in accordance with the terms of the marriage contract and the condition of affairs between them. I do not so regard it. What occasion was there to make such a statement and discuss Mr. Sharon in the character of an expected husband if she was his wife? There was great reason for her making such observations about his estate and her prospects if their relations were just what we claim; and I have not the slightest doubt that Miss Hill, under the influence of the inordinate vanity which characterizes her whenever she speaks of herself, fancied she might be able to espouse Mr. Sharon. You notice that whenever she alludes to herself, she speaks of her great beauty! When she invents the introduction to Mr. Mazes at Belmont, she says Mr. Sharon got Mr. Mazes out of bed and to the front door, in his night-gown, to see how beautiful she was! In the apocryphal story of the ride to the race course with Mrs. Reigart, she puts into Mr. Sharon's mouth the words: "Let me introduce you to Mrs. Sharon; is she not beautiful enough?" She dons her bonnet and sails to the looking-glass in her room, and, in the presence of Mrs. Kenyon, admires herself and says: "I am beautiful enough for a Senator's wife." She says that when Mr. True met her in Mr. Tyler's office he went into ecstasies over her beauty. She writes Mrs. Reigart that people say she "always was the loveliest girl in San Francisco." Her belief that she is beautiful is a fixed delusion; and, as I say, I have no doubt she thought her beauty might enable her to marry Mr. Sharon; that their intimacy might possibly end in matrimony. I believe she moved on that line with all her characteristic energy and conceit, and made up her mind to take him captive, if she could not recall to her side the man whom she really loved. The vague hope which prophesied marriage found open expression all through the fall of 1880, in the following winter, and in the spring of 1881; she was perpetually telling her acquaintances

that her relations with Mr. Sharon were such that they would probably end in marriage in the fall of 1881; but to claim that such conversation indicates the existence of marriage is to give the terms of language a meaning precisely opposite to their usual acceptation. Your Honor remembers that in the Cunningham-Burdell case (4 Bradford Rep., 343) the Surrogate of New York does not seem to take the view of Miss Hill's counsel, that language and conduct are to be construed as meaning directly the opposite of what people say and do. He says: "The whole process of determining these controversies, then, raises the strongest presumption against even a voluntary marriage intended shortly to be solemnized, and is utterly repugnant to a compulsory marriage, insisted upon as one of the terms of the settlement. Let us look a moment at some of the facts. The decedent had, in the summer, ceased to take his meals in the house. Did he return after the alleged marriage? He had spoke of Mrs. Cunningham as an artful and dangerous woman. Did he desist from such representations to his confidential friends after the alleged marriage? Was it his wife he thus characterized and abused in the most bitter and venomous terms—a woman whom he had taken to his bed and whom he expected to recognize in a few months before the world by his name, and as the partner of his station and wealth? Was it a proposed wife who took a new lease of the house in the agreement of October 23d? Was it a proposed wife whom he desired to sign the unexecuted release of all cause of action the 18th of October? Was it his wife with whom he was dealing on the 14th of November when he drew his check to the order of 'E. A. Cunningham,' and she endorsed it in that name, and when, by the same name, and on the same day, she assigned to him the Burdell judgment—and on the 19th of November, appeared before a Commissioner and acknowledged the instrument, Mr. Thayer, the counsel, swearing to her identity as 'Emma A. Cunningham?' Was it his wife the decedent described in his affidavit, sworn the 24th day of November, and found in Mr. Eckel's possession, as 'Mrs. E. A. Cunningham?'"

* * * *

He continues: "These facts are not to be mistaken—his purpose was understood by her, declared by him. Were these two persons standing at this point of antagonism, husband and wife? Were they mutually conscious of a lawful marriage? Here was a woman of energy and determination, supposed to be equal to the task of forcing him into compulsory

wedlock—alleged to be then holding in her hands the fruits of that bold project, invested with a right of dower in his estate, a title to abide in his house, and receive maintenance and support—able at any moment to proclaim her rights to the public and enforce them before tribunals of justice, and her alleged husband was on the eve of signing an instrument which in a few months would eject her and her family and introduce others in their stead. That little paper, signed by Mr. Marvin, the certificate of marriage, if it certified the truth, was a potent argument against the contemplated deed; but not a sound was heard, and the name of wife never passed her lips until death arrested the consummation of the act, and she declared herself the widow of the deceased. Under such startling and extraordinary circumstances, it is impossible to believe that these parties thus, for the space of three months, dealing, acting with, and treating each other—both holding themselves out to the world as single, and each toward the other behaving in a manner wholly inconsistent with the marital relation—were man and wife. We must treat such a case, in the conclusions we draw, according to the ordinary course of human nature. Conduct improbable, unreasonable, absurd and inexplicable, in view of one relation, but natural, reasonable, probable and explicable in view of another relation, possess an overwhelming power in determining the relation, and deciding between truth and falsehood. A series of circumstances such as in Providence has been developed in this cause, showing at every step and link a connected and harmonious chain of evidence against this pretended marriage, cannot be fabricated; it is the result of a natural process: it strikes the mind with irresistible force, and leads to entire satisfaction and conviction that the decedent was unmarried at the time he came to his unhappy death."

Apply these principles, so ably and clearly announced by the distinguished lawyer and jurist who decided that great cause, to the facts of the present case. These declarations of the plaintiff are not consonant with the idea of marriage. They are wholly irreconcilable with it. Such language is not used to conceal the marriage relation; but, if her association with him were secretly meretricious, and if she had the confidence in her own charms, and the faith in the persuasiveness of her beauty, which seems to be the overpowering sentiment of her life; if she believed she had the ability so to fascinate Mr

Sharon that he would at last marry her, then her natural and probable course with old friends, like Mrs. Hardenberg, would be to take them aside and say: "Mrs. Hardenberg I have brought Mr. Sharon over to see you, as an old friend of mine. I want to tell you in confidence that we are engaged to be married." And old ladies like Mrs. Hardenberg would be very apt to say: "I am very glad to hear it, Allie, but don't wait: no long engagements with old chaps. Get in as fast as you know how." Such conversation does not imply marriage. It does not even indicate that she thought she was married. The only natural conclusion to draw from it is, that at most she hoped to be able to get him as her husband. It no more argues marriage than the spectacle of the stars in the midnight sky argues the existence of noonday. The contention of the counsel on this subject is only paralleled by their attempt to discover in the letters written by her when she was flung from the Grand Hotel, the natural and instinctive expression of patient and wifely emotion. In considering all Miss Hill's conduct and expressions, you are asked to twist both from their natural import, to ignore the conclusions properly to be drawn from them, and, to use the language of Judge Tyler, "read between the lines." It will take a vast amount of that kind of reading to demonstrate that there was ever in their mutual intercourse a thought of marriage between these parties, or that the documents here are other than the outcome of a desperate attempt to establish a false marriage for the purpose of extortion.

During the latter part of this month, Mrs. Bornemann, Hosack and Miss Hill dined with Mr. Sharon at the Palace Hotel. Mrs. Bornemann does not know the exact date, but it was between the middle and the end of the month. The fact only shows social, friendly intercourse, and that Miss Hill was received and entertained by Mr. Sharon, together with her friends. It does not indicate that the relation of husband and wife existed between them. Your Honor will notice that during the progress of these social events Miss Hill was never brought in contact with a single member of Mr. Sharon's family and was on most disagreeable terms with Mr. Thorn, a relative of Mr.

Sharon, who had charge of the Grand Hotel. After this dinner party at Mr. Sharon's rooms, Mrs. Bornemann, Mr. Sharon and Miss Hill passed an evening at Mrs. Bryan's. Mrs. Bornemann says Miss Hill subsequently told her she had invited Mr. Sharon to see her relatives because he was contemplating marriage with her, and she wanted him to see what a nice family^e connection she had. This was the first time Mr. Sharon was brought in association with any of the plaintiff's immediate family connections, and its purpose was, as Miss Hill stated, that Mr. Sharon, before the contemplated marriage, should have an opportunity of seeing that she had respectable friends and relatives. In the same conversation, Miss Hill said she had just made one thousand dollars in stocks through Mr. Sharon's advice. Why did she tell this falsehood? Of course, with the receipt of five hundred dollars per month from Mr. Sharon, her narrow circumstances disappeared. She was able to dress better. She looked less poverty-stricken. Her rooms were adorned with bric-a-brac and new furniture, and she exhibited evidences of prosperity. Of course these phenomena would become an object of social curiosity, not to say suspicion, particularly to Mrs. Bornemann, who had known so well the straightened circumstances of Miss Hill and her want of ready money. So, by way of explaining her financial convalescence, she tells her, "I have just made one thousand dollars in stocks through Mr. Sharon's advice." Does your Honor believe Mrs. Bornemann? If you do, then, may I ask, what becomes of Miss Hill's assertion under oath that during all the Summer of 1880 she had been operating unsuccessfully in stocks under Mr. Sharon's advice and had finally withdrawn her miraculously preserved seventy-five hundred dollars from the Bank of California, delivered it to him, and that he agreed to hold and invest it for her? It must go to the grave where so many of its congeners are buried, and to which so many more are rapidly hastening, without the hope of resurrection. To this boast she added, "You ought to have taken the advice I gave you last month." Mrs. Bornemann said, "Well, I would, if I had known Mr. Sharon was your adviser." Now, your Honor

will notice that up to this time there had been no discussion whatever between Miss Hill and Mrs. Bornemann relating to Mr. Sharon. Mrs. Bornemann says that on Wednesday, the first of December, 1880, she called upon Miss Hill at the Grand Hotel. Referring to this visit she was asked: "Did you have any conversation with her in respect to her relations with Senator Sharon?" A. Yes, I asked if she intended marrying Senator Sharon.

Mr. Tyler—When was that?

Mr. Barnes—In December, 1880. You asked her if she intended marrying Senator Sharon?

A. Yes, sir.

Q. What did she say?

A. She replied, 'I don't know; what would you do if you were in my place?'

Q. What did you tell her?

A. I told her as she was receiving so much attention from Senator Sharon if he did not intend to marry her, the sooner she found it out, the better it would be for her; that she had better live alone the rest of her life, than visit him so often, and go out with him, as she was doing, unless he intended marrying her.

Q. During that month did you have any conversation with her as to what the Senator would do for his wife in case he married?

A. Yes, she told me he had told her in case he married he would settle on his wife two hundred and fifty thousand dollars, and she wanted to know if I thought that was enough, as he was worth three millions. She said she would not marry him unless he promised to settle on her more than two hundred and fifty thousand dollars.

Q. Did she say anything about his children or what they expected?

A. Yes, she said they wanted each a million."

Assuming that Mrs. Bornemann tells the truth, is there any theory upon which this conversation can be hammered into harmony with the fact that Mr. Sharon and Miss Hill were then husband and wife? Was it part of Miss Hill's obligation as a secret wife, to tell Mrs. Bornemann such gross falsehoods for the purpose of protecting her secret wedlock? Certainly not. They are wholly inconsistent with marriage, but entirely consistent with the meretricious connection between this almost

middle-aged female and this elderly man, who had shown fondness for her, who was giving her a considerable monthly allowance, considering her rank and station in life, and who, as she hoped, might ultimately be induced to marry her. It is impossible Miss Hill could then have entertained the thought that there were marital relations between herself and the defendant, and this conversation, if it occurred, is in itself, a potent contradiction of Mrs. Wilson and Vesta Snow.

At this point in our chronology occurs another curious episode which is utterly inconsistent with the theory that she then thought she was the partner in Mr. Sharon's joys and sorrows, and the sharer of his enormous fortune. She was boarding at the Grand Hotel, and paying her own way at the rate of seventy-five dollars a month. It seems Mr. Thorn, on the first of December, sent her bill for the month of November. She had used an apartment next her own as a supper room, on the occasion of the "musical." Mr. Thorn debited her with two dollars for its use. She flew into a passion, pronounced the charge an outrage; and this wife of William Sharon obtains a note from him to Mr. Thorn directing a deduction of two dollars from her bill in the Grand Hotel! Is this consistent with Mr. Thorn's alleged knowledge of the relations between herself and Mr. Sharon? Is it consistent with the theory that she was then married to him; had a right to a home there, and a right to be maintained in it by her husband? Is it consistent with the theory of marriage that Mr. Sharon should give his wife upon request, a note such as this?

"Mr. Thorn:—

Please make the deduction in Miss Hill's bill that she asks. It is very unnecessary to be rude to guests, and complaint has been made in this matter.

Yours truly,

WILLIAM SHARON."

Here was a wife for a millionaire! No wonder that in two years after the twenty-fifth of August 1880, Mr. Sharon's fortune increased ten millions. What woman ever knew better how to get something of value and pay nothing for it? Never since Mrs. John Gilpin fitted out the famous expedition to Ed-

monton has there been one of whom it might more truly be said that,

“ * though on pleasure she was bent,
She had a frugal mind.”

In writing this note was Mr. Sharon conscious of marriage ? In receiving it, and by its means obtaining an abatement of a charge of two dollars in her board bill, was Miss Hill conscious of marriage ? It is plain that she knew she had no such claims upon him. She knew she was not his wife. When she wrathfully demanded an abatement on her bill, she desired it because the payment was a loss to Miss Hill, and the abatement was a loss to Mr. Sharon. It was a very small matter, truly ; but what a storm she must have roused to induce Mr. Sharon to write so peremptory a communication, containing at once an order and a reproof. Does not this note also prove how false is the assertion that Mr. Thorn knew she had “some great relations with Mr. Sharon.” It was the third time that Mr. Sharon had taken occasion to rebuke Mr. Thorn for personal discourtesy to her, of which she had complained.

In December, 1880, Mrs. Nellie Bacon came upon the scene. She had known Miss Hill since the Spring of 1878, had met her at the Baldwin in the parlor of the wife of that Mr. Williams through whom, in 1878-9, Miss Hill made all the money she ever honestly acquired. Mrs. Bacon commenced to reside in the Grand Hotel in this month, and therefore Miss Hill visited her frequently. Miss Hill positively denies she ever was in Mrs. Bacon's room ; denies she had any association with her, or was ever on friendly terms with her. She makes the same denial whenever a witness appears who has anything to say that she does not like ; all and singular they are people she has never known. Mrs. Bacon was asked the following among other questions :

Q. Do you remember the wedding of Miss Flora Sharon to Sir Thomas Hesketh ?

A. Yes, I was at the Grand during the wedding.

Q. Before the wedding did you have any conversation with Miss Hill ?

A. Oh yes, on several occasions.

Q. Did you have any conversation with her about herself and Senator Sharon ?

A. Yes, I am very sure I did.

Q. State all you said and all she said in relation to him.

A. She told me that the Senator was paying her attention, and she thought possibly that he might propose to marry her. She said that on several occasions.

Q. Did she ask any advice of you ?

A. She did.

Q. State all that occurred as fully as you can.

A. She asked me if I were in her place if I would marry Senator Sharon. She told me that she thought possibly that she could get him in time. She seemed to think—

Mr. Tyler—I object.

Mr. Barnes—Just state what she said.

A. All right, sir. She said that she considered the contemplated proposal of Senator Sharon as one involving many delightful things. One she did not consider quite so delightful was the fact that he was advanced in life. She did not think as much of him as she did of some other lovers that she had, especially one that she mentioned, Mr. Lloyd. She told me that she preferred to marry Mr. Lloyd provided she could get him. She said they had been engaged off and on for I think seven or eight years. She said she had had a quarrel with Mr. Lloyd at that time, and if the breach could be healed, she would prefer to marry him to marrying Senator Sharon, providing they could make up their quarrel. She told me that they quarreled so much that it was like a guerrilla warfare between them then, but she concluded that it might be made up in time.

Q. Did she say anything about Fred Sharon ?

A. Oh yes, she said he was in love with her. She thought she could get him, too ; she was not certain, but of the two, she preferred the Senator, but concluded that Mr. Fred was in love with her. She did not say that he ever proposed to her, neither did she say that the Senator ever proposed to her.

Q. When she made the suggestion with reference to both the father and the son, what did you say to her, if anything ?

A. I told her I did not think she could get either of them ; that was my opinion. I told her I thought the Senator was too old to think of marrying her, and I considered the young one was too much of a sprig ; I thought he was fooling her. Those were my words verbatim."

Mrs. Laws, whom Miss Hill saw later, corroborated Mrs. Bacon, so far as her intimacy with Miss Hill is concerned. She said the plaintiff told her in 1881, that she had been very intimate with Mrs. Bacon during the Winter; knew her very well, and had seen a great deal of her. Yet while these two ladies testify to the intimacy of the plaintiff with Mrs. Bacon, the plaintiff swears she never visited Mrs. Bacon, and that the conversation above quoted, which bears on its face evidence of its intrinsic truth, never occurred. Mrs. Bacon says: "She came to my room almost every day. From December, 1880, to April, 1881, I saw her every day." The plaintiff says: "There never was any intimacy between us. I never talked about Mr. Sharon. I never spoke of Mr. Lloyd. I only knew her as an acquaintance. I was not on friendly terms with her, and I never was in her rooms in my life."

It is for your Honor to determine, first: whether Mrs. Bacon would not be likely to see Miss Hill in the Grand Hotel, having known her since 1878, meeting her first in the rooms of the most intimate friend Miss Hill ever had; and, secondly: whether it is possible that a lady of Mrs. Bacon's appearance and manner, could deliberately invent such a falsehood and swear to it here. It is for you to say whether the plaintiff's assertion that she knew Mrs. Bacon only as a mere acquaintance, and was never in her apartments, can possibly be true. But if Miss Hill did have this conversation with Mrs. Bacon, the only conclusion to be drawn from it is, that in the Fall and Winter of 1880-1 Miss Hill had not the slightest notion that she was Senator Sharon's wife. She could not have entertained it even in her dreams.

On the eighth of December, 1880, Mrs. Bornemann wrote Miss Hill a very affectionate note which was offered in evidence with a great flourish, but which seems to me to be important only as showing the constant intercourse between these women, and emphasizing our argument that if Miss Hill had any marital relations with Mr. Sharon, she would have told Mrs. Bornemann rather than any one else. It proves that Mrs. Bornemann and Miss Hill were together on the evening of the seventh;

that they made an appointment for the eighth, and had also another appointment for a later day in the same week.

On the ninth of December, Mr. Sharon wrote Miss Hill a note (Plaintiff's Exhibit Twenty-two) saying :

" My dear Allie :—

I am going to Colonel Fry's to dinner. Will be back about nine o'clock, and then hope to have a sight of your beautiful countenance.

Till then yours, S."

Does your Honor remember the plaintiff's ludicrous explanation of this letter, and the effort she made to lend it some character and dignity beyond that which it naturally possessed ? She said : " We had some words. I wanted him not to have Miss Flora married unless she was married by a priest, and we had some words ; he said he would attend to his own family affairs, and did not wish me to interfere, and went off in a huff. In a little while I got a note from him." The note which was to corroborate this story of family discussion was then produced. Untaught by experience so often repeated, I expected it would show an attempt to bring about a reconciliation between Mr. Sharon and the plaintiff ; would be full of expressions of penitence, and contain some allusion to this imaginary family quarrel which tended to prove the existence of domestic relations to such an extent at least, as would warrant her interference or advice about the marriage of his daughter to Sir Thomas Hesketh ; but it contained no word of quarrel or reconciliation ; no allusion to any past squabble on any subject, and no promise to do as Miss Allie wished. It seems to me to indicate only that she had been making an effort to see him or dine with him, and that he excused himself. It reads as if she had written him a note saying,

" Senator :—

Can I come over to dinner ?"

He answered,

" No ; I am going to Colonel Fry's to dinner. Will be back about nine o'clock, and then hope to have a sight of your beautiful countenance."

It was evidently nothing more nor less than this : Her attempt to connect it with a quarrel about his family affairs is

most ludicrous; and is, moreover, only another of her attempts—as when she said he offered in July, 1880, to give her one thousand dollars and Flora's pony—to drag the name of his daughter into this miserable business. She knows how to put the knife into this man's heart! She knows where it is tenderest. Whenever she has had an opportunity to hold up to public observation the name of Mr. Sharon's daughter in connection with her own, she has done so mercilessly, and has rolled it like a sweet morsel, under her viper's tongue. From beginning to end, whenever she has been able to mention the members of his family, she has done so always, in a venomous and malicious way. In one letter she speaks of his relatives as "Newlands and the gang." In another, she says, "Smith parades the hotel in all his glory, and the whole set are working dead against me. The old man is not well, and I don't think he knows half the time what he is about." In the same spirit, whenever she can manage to mention his daughter's name, she does it. It is conduct malicious, vindictive and cruel; and of which no woman, save herself, would be guilty. "None but herself can be her parallel!"

I ask, how could such a letter as this last have followed a bitter matrimonial quarrel between this pair? What had Miss Hill to do with Miss Sharon's affairs? They were not acquainted and had never spoken to each other, and within thirty days of this pretended zealous effort to have Miss Flora's courtship consummated with a Roman Catholic marriage, Miss Flora had objected, according to the story, to Miss Hill's visiting Belmont, and had refused to go there if she was to be of the party! Would a person, such as she has proven herself to be, after the young lady had absolutely refused to put her foot on her father's premises at Belmont if this woman was permitted to go there, actually plunge into a quarrel with him about that same young lady's marriage ceremony? But, to support the invention, this letter is introduced, and called a make-up and conciliatory love-letter. The tale contradicts itself. But she says: "He stopped as he came back from Colonel Fry's, and bade me go over to the Palace, and I went?"

About the eighteenth of December, Miss Hill told Mrs. Bornemann, so Mrs. Bornemann says, that Senator Sharon would like to have them both wear satin or silk dresses at Miss Flora's wedding, and that he would pay for them. She said she had told him Mrs. Bornemann would refuse, and that it would not do for her (Miss Hill) to accept dresses from Mr. Sharon. She solicited invitations to Miss Flora's reception on the twenty-third, for herself and Mrs. Bornemann, and also for some of her relatives. Mr. Sharon says he gave them with hesitation. She was among the very last he invited, but the appeal she made overcame his better judgment. His position as owner of those great hostleries where so many hundred people are congregated, rendered it almost impossible to make social distinctions among the guests, so long as they preserved the exterior decencies of civilized life, and avoided public criticism or remark. And when Mr. Sharon, not only owning those properties and living in one of them, but also making the acquaintance of almost every inmate, gives out invitations to large assemblies at Belmont, car-loads of invited guests travel the railway. The circle of invitation grows very wide. It includes the guests in the Palace and Grand Hotels, transient and permanent. It includes a large number of business acquaintances; of people here from Nevada; of people living abroad and living at home; everybody and anybody; and when it comes to the point where he thinks he must draw the line, and can admit no more, the uninvited remnant pursue him, beg invitations, and, somehow or other, they get them. So it was with this great reception. It is true his daughter was married at Belmont that evening, and the friends of the family were present at the wedding ceremony. Many hundreds came later. Ten thousand people could not jostle one another there, and Miss Hill's disease, whatever it was, was not catching. It could do no particular harm to let her in with the crowd. She went with her brother, Mrs. Bornemann, Mr. Wadsworth and others, and as a respectable woman. Her counsel have spoken of her as though Mr. Sharon carried her there, advertising her as his ——, well, using a term in respect of her which I am

unwilling to employ as ladies are present listening to this argument—the lowest form of expression used to designate a class of unfortunates. Judge Tyler has used more bitter language towards this woman than has ever been employed by my associate or myself. He has always seemed happiest when most vulgar in his description of Miss Hill's relations with our client. It is admitted that the defendant permitted Miss Hill to go with hundreds of men and women, who wandered about the house and grounds, enjoying the illuminations and the magnificence of the entertainment; and counsel say he would not have done so if she had not been his wife. Your Honor will remember that the defendant was sustaining no open relations with this woman. She used to flit like a bat out of her hole at night, pass over to his rooms, and flit away again as the sun came up; but nobody knew anything about their intimacy. Nothing had been published. The tongue of scandal had not yet associated their names. She was only Miss Hill, living in the Grand Hotel, with many other ladies, and she truly said when begging invitations for herself, Mrs. Bornemann and her brother, "Mr. Sharon, every woman in the house is invited, and if you don't let me go down when this crowd goes, I am a marked woman." So he replied, "Well, you and Mrs. Bornemann can go and take your brother." He knew he had no moral right to allow her to visit Belmont at such a time. He did not desire to do it; but he was hounded and persuaded by a woman whose powers of teasing and fastening herself upon men transcend the resistless grasp of the devil-fish described by Victor Hugo. She would have her way. She obtained it. She went; and out of this circumstance this case is mainly constructed. Because he treated her decently; did not expose her; was foolishly persuaded to admit her with fifteen hundred or two thousand other people to Belmont, to see the illuminations and enjoy his liberal entertainment, he has been be-thumped with maledictions, pelted with the choicest selections from Judge Tyler's customary vocabulary of opprobrious epithets and vulgar denunciations, whose force has been multiplied by his natural advantages of countenance and voice, and who closed one of his paroxysms of frantic abuse by de-

claring " If Mr. Sharon had introduced Miss Hill to me, I would have taken a raw hide and beaten him to atoms." I admired his bravery.

Mr. Sharon's conduct is not to be commended. He regretted it then. He has never ceased to regret it. If he allowed Miss Hill, knowing what she was, to make the acquaintance of decent and respectable people; if, concealing his relations with her, he permitted her to go to Belmont, and introduced her to his son, he may still say that at no time and under no circumstances did he act upon those relations there. Whenever she went, it was with other people. The first time she went with Mrs. Bornemann, and occupied a room with Mrs. Bornemann. She went the second time with Mrs. Bornemann and her children, and occupied a room with Mrs. Bornemann. She went with the Staggs early in April, and again with the Staggs, Reigarts, Mr. Vanderbilt and his party, and Mr. Sharon was not even there. She went in the first part of May with Burchard and the Staggs, and again he was not there.

There was never a single hour at Belmont when the slightest act of impropriety occurred between Mr. Sharon and Miss Hill; and his hearthstone was not sullied nor was anyone injured by the admission of the plaintiff to Belmont on those five or six occasions. She went in the guise of a respectable unmarried woman, and in the company of her brother and her friends. She was treated as any other guest, and came away with her friends. Apart from other considerations were these visits evidence of marriage? Does it prove that marital relations existed between Mr. Sharon and Miss Hill because she was permitted to go to Belmont at a time when scandal, so far as he was concerned, had not attacked her reputation? Your Honor may condemn it; society may criticise it; but for this offense, he must answer to society. But, as long as her conduct and demeanor there were decent and orderly, while there was no impropriety between him and her, her moral character was not olnoxious to remark, whether his offense against social propriety was venial or mortal. However the Court may censure this circumstance, it is preposterous to say

that the question at issue here is to be determined against him because he sought to protect her reputation, or yielded to her solicitations to permit her to visit Belmont, or suffered her to go in company with respectable people to a public ball given on the occasion of his daughter's wedding. Miss Hill, however, is not satisfied. She must add the customary fiction to the fact. She says: "I could have gone to the wedding had I insisted; but they were to have only the most intimate friends and relatives, and knowing the young lady disliked me very much on account of her father's relations with me, I did not care to go and make things disagreeable." What did Miss Sharon know of her father's relations with Miss Hill? How could she have heard of them? Your Honor remembers that at the time invitations were issued to the wedding reception, Miss Hill had been in the Grand Hotel three months, and Mr. Sharon had been absent most of that time. Miss Sharon had no more occasion to hear of Miss Allie Hill than of the daughter of a Chinese Mandarin. She had never come within Miss Sharon's social circle. They did not move in the same society, and had no common friends. How, then, could Miss Hill, on account of her relations with the defendant, excite that young lady's most reasonable prejudices? Still she says, "I could have gone to the wedding." Your Honor has seen her; you have witnessed her self-confidence, her insolence and her temper, as exhibited here for five weary months. Does your Honor not know that if she could have gone to the wedding, she would? Do you think that if she could have persuaded Mr. Sharon to let her go, as easily as she persuaded him to give chickens to Mrs. Bornemann, she would not have been in the front rank of the witnesses to the marriage? She would have put on her ball dress in town, rolled up her silk stockings with her slippers, and with them under her arm, gone barefooted like an Irish maid to an Irish fair, if she could only have landed in the house in time for the ceremony. Her assertion "I could have gone to the wedding, but they were to have only the most intimate friends and relatives, and knowing the young lady disliked me very much on account of her father's relations with me, I did not care to go," is upon its face a ridiculous and silly falsehood.

In the same connection may be noticed another event out of which she endeavors to make vast capital. But, as usual, when you arrive at the facts, it seems to be of no significance. She has sworn that two or three days before the wedding Mr. Sharon sent Ki to Belmont with her ball dress, and that she had private apartments reserved for her, and robed herself there; and one would have supposed from the ingenuous and modest way in which she murmured her romance that it might possibly be true. I said to myself, "Well, here is something which has the novelty of truth;" and it does, indeed, bear its shadow. It seems to be a fact that she did pounce upon Ki, on the day of the wedding, and ask him to take a box for her which contained her ball dress, and that on her arrival at Belmont she did get into the housekeeper's room, with other ladies from the Palace Hotel, and array herself in her festive finery.

All this story of elaborate preparations for her reception at Belmont melts into air before the statement of the housekeeper, Miss Zelfa Fry: "When the things came up from the depot that night a box came, said to belong to Miss Hill. There was no place to put her; there was no place reserved for her, and as some other ladies had gone to my room, I told Ki to put the box there." "Did you see her?" she was asked. She answered, "No." Miss Hill probably ascertained from her friend Ki where the box was, and learning it was in the housekeeper's room, betook herself there. Before you know the fact you would actually suppose Mr. Sharon had made grand preparations for his wife's coming; that although she preferred not to be present at the wedding ceremony, a special suite of apartments was solemnly dedicated to her; that for days the wifely garment she was to wear, had been laid in state, waiting for her arrival; and that she went thus heralded, dressed herself in her husband's home, and came down stairs to review her step-daughter's friends. She never tells the truth; or if the truth is told, it is always in some masquerade of falsehood. Follow her all along the line of her life, and you will not find a single truth undecorated by her exhaustless fancy!

On the twenty-first of December, Mr. Sharon wrote to Miss Hill as follows :

“ My dear Allie :—

 Come over and join me in a nice bottle of champagne, and let us all be gay before Christmas. W. S.

 If you don't come and take part in the bottle, I may hurt myself.”

Can any advocate persuade your Honor to believe that this was a letter written by a husband to his wife, a young, lovely, innocent, confiding girl, whom he had induced to secretly marry him ? “ Come over and join me in a nice bottle of champagne and let us be gay.” The man never lived who wrote thus to a woman whose good name was entrenched behind a marriage certificate. Never ! Never ! He might write in that style to a woman with whom he was on intimate terms, and to whom a bottle of champagne was an inevitable prelude and necessary accompaniment to pleasure. Wine and women never mean marriage and honor ! Wine and women do not carry with them the “ sacred and home-felt delight ” of the family hearth-stone ! Wine and women are joined at other altars than those blessed by God and honored by man ! “ *Cum Veneris puero vivere Bacchus amat.* ” When a man writes a letter to a woman saying “ My dear Allie,” or “ My dear Jane,” or “ My dear Hannah Maria :—Come over and take a bottle of wine with me, and we'll get gay before Christmas,” he is far, indeed, from meaning “ You are my dear little wife, and only we two know it.” Mr. Sharon swears that even this poor little scrap of his writing has been tampered with. He says the signature “ W. S.” is a forgery, in his opinion ; and the “ S ” is an interpolation evident to any observation. Its object, which I claim to be able to expose, will be considered later.

He writes about the same time another note :

“ My dear A. :—

 Come over and take dinner. Answer.”

Just a plain “ A ” without a signature, and without a date !

Following this, is one written to “ Miss Hill ” ! I read it.

“ Miss Hill :—

 Have ordered a nice dinner and have a sample bottle of wine. Want you to try.”

Was this a letter from a husband to his wife? Was this written by a man to a woman at a time when, to use her own language, she "was with him night and day?" What occasion to ask her to come over and sample wine, or to invite "Miss Hill" to dinner, if she was constantly living with him as his wife? How plainly and flatly this correspondence contradicts the story she tells of their intercourse at this time! Her theory and testimony is that she had room two hundred and eight in the Grand Hotel, for a mere blind; that her real home was in Mr. Sharon's rooms in the Palace Hotel; that her real abode was with her husband. If such relations existed, why should he write her such notes as "Come over and take a bottle of wine"? "Come over and take dinner"? "Have ordered a nice dinner and have a sample bottle of wine I want you to try"? Such correspondence speaks for itself, as the "Wife" letters speak for themselves, showing no marital relation, nor any fact or circumstance that might be so construed. The word "Wife" in the latter notes is as foreign to the tone and character of the correspondence in which it has been interpolated, as it would be if forged in these notes. There is no flavor of marriage in any of them. The word "Wife" does not belong to them. It is unnatural and foreign to the character of the correspondence,

* * * "like the toad, ugly and venomous,

Wears yet a precious jewel in his head."

The word is, moreover, inserted in the only place where it could be safely written. What husband ever writes "My dear Wife," and signs himself "Your obedient servant, S." or "Yours truly, S."? There never lived a married man, and I care not whether he loved or hated his wife, whose correspondence with her would not bear upon its face some unmistakable mark of the relation between them. Yet, examine this entire alleged marital correspondence, and you cannot find, except in the word "Wife," which, each time it appears, is beyond doubt or question a weak forgery, the faintest aroma of even matrimonial intentions. The whole correspondence is meretricious. It is in consonance with only one idea. It is utterly at variance with every other. It harmonizes with the confession Mr. Sharon

has been compelled to make of his true relations with this woman; but when you undertake to connect it with the idea of wedlock, you must do what counsel wish you to do: you must read between the lines. You must assume that that which is customarily said and written by men and women of average human experience has not been said and written in the case of these people; that the facts of their lives are opposed to everything we have ever known, heard, read of or can imagine, concerning the relations of husband and wife.

Mrs Bornemann swears that on the twenty-third of December, 1880, Miss Hill, Mr. Morgan Hill, and herself went to the wedding reception. Mrs. Bornemann was not asked whether they were presented to the bride. She did not claim that she was. She did not claim that either of them approached the family. Miss Hill was introduced by Mr. Sharon to his son Fred, and they went under the hall staircase and flirted! When Mrs. Bornemann and Mr. Hill wished to leave they could not find the plaintiff. She came later, and alone, to the railway station, said she had been behind the elevator, flirting with Fred Sharon, and that Fred had taken her diamond ring from her. Pretty conduct this for Fred's step-mother, wasn't it? Mrs. Bornemann did not say much about the reception. She saw the house and the people, looked at the supper table, refreshed herself, and then went away with Mr. Wadsworth to the station. Mrs. Bornemann said that she never saw Mr Sharon with Miss Hill that night; that he showed her no attention, and that his marked neglect was the subject of comment between herself and others.

Just after Christmas, Miss Hill told Sarah Millett about her "small diamond ring," and asked her if she had ever noticed it on her finger. She did not have it then. Oh, no! Mr. Fred Sharon had it, and yet she said it was an engagement ring his father had given her. Did Sarah Millett tell the truth? If she did, here is another characteristic romance of this plaintiff; another illustration of her utter inability to tell a truth of any dimensions, under any pressure of circumstances, or for any purpose whatever. Mr. Sharon never did give her a ring; he

never gave her an engagement ring ; he never gave her a small diamond engagement ring. Yet she sits down and spins for Sarah Millett this gossamer falsehood just as it happened to come into her flighty head. Miss Hill swore that she received Mr. Sharon's note, which I have already cited, referring to concomitant champagne and gayety, between Christmas and New Year, but of course she is mistaken. It refers to a prospective Christmas, and is dated the twenty-first of December.

When your Honor reads all the correspondence, I request that you notice the mode in which Miss Hill was examined by Mr. Tyler in respect of it, and the character of her answers. You will find the same peculiarities which she manifested in proving the alleged marriage contract. As to the last, on direct examination she never swore to more than that she wrote it. All she said was, "When it was written, he came over and sat down by me." She carefully and, as I claim, designedly avoided testifying that Mr. Sharon signed it. Her counsel skillfully, as I claim, avoided bringing it to her notice, and Judge Evans and myself observing him at the time, said, "We will let that stand exactly as it is." Had no comment been made, the record would not show, by *her* testimony, that Mr. Sharon had ever signed that marriage contract. It was only when driven to it, at the point of the sword, so to speak, by my associate, that her counsel forced Miss Hill upon the stand and compelled her to swear that he signed it in her presence ; and this, after the argument had begun ! Was this an accidental omission ? If it was, then her proclivities to accident are astounding. She testified in regard to the "Wife" letters in the same evasive manner. You will see that wherever an "Allie" letter, "My dear A." letter, or a "Miss Hill" letter is produced, she swears promptly and unequivocally that is the handwriting of the defendant. But whenever a "Wife" letter is presented to her, she dodges and slips away from the point ; and it would now be almost impossible to predicate a charge of perjury upon her testimony as to the genuineness of any one of these letters. Her answers invariably contain modifying clauses, which, while seeming to be replies, may yet be taken in a different

sense, and in fact amount to intentional prevarications. Here, for instance, is Exhibit Twenty-nine, a "Wife" letter:

By Mr. Tyler—

Q. "Do you swear that is in the handwriting of Mr. Sharon?

A. *I received it as the handwriting of Mr. Sharon.*

Q. Was this in the same condition, barring the wear, that it is now, when you received it?

A. *It is the same scrap of paper."*

Was this language accidentally used—"It is the same scrap of paper?"

Let me show you another accident—Exhibit No. Eleven, which is a "wife" letter, Mr. Tyler says:

"Q. Did you receive that from him about the time it was dated?

A. Yes."

The next, Exhibit No. Thirty-two, is an "Allie" letter. He does not ask, "When did you receive that from him?" and obtain the answer, "About the time it was dated;" but he bluntly says, "Is this in the handwriting of Mr. Sharon?" and she answers, "Yes, sir."

Again, in reference to a "Dear Allie" letter, he says:

"Q. Is this in the handwriting of the defendant?

A. Yes, sir."

Exhibit Thirty-four is a "Miss Hill" letter, and he asks:

"Q. That, you say, is in the handwriting of Mr. Sharon?

A. Yes, sir."

Exhibit Thirty-five is a "Dear Miss Hill" letter, and he asks "whether that is in his handwriting?"

A. Yes."

Exhibit Fifteen is a "Dear Allie" letter, and he asks:

"Q. See if this is the note he wrote you."

A. Yes, sir."

Plaintiff's Exhibit Thirty-six is a plain "Allie" letter, and he asks:

"Q. Is that one of his little notes?

A. Yes, sir."

Plaintiff's Exhibit Thirty-seven is a "Dear Wife" letter, and he asks: "State whether that is in the handwriting of Mr. Sharon." Bear in mind now, she had previously said

"Yes," "Yes," "Yes," "Yes." Now hear her answer to this query. "*I received it when Mr. Sharon was sick in bed at the time he sent me that.*"

Plaintiff's Exhibit Sixteen is a "Dear Wife" letter, and Mr. Tyler asks: "Look at this paper, and state whether you received this at the time of its date from Mr. Sharon, and whether that is in his handwriting." She answers "Yes." Now, to what is "Yes" an answer? Was it "Yes," she received it; or "Yes," it was in his handwriting; or "Yes," she received it at the time of its date? This is her nearest approach to identification of any "wife" letter, and when you add these persistent evasions to her striking failure of testimony as to the signing of the contract by Mr. Sharon, it shows that her conscience was not altogether dead, or that she was struggling to avoid responsibility, if not to Divine commandment, at least to the criminal law of the land. These are not accidental omissions. It is not by chance that she failed to testify that the contract was signed by Mr. Sharon. It is not by chance that she swears positively that every genuine note is in Mr. Sharon's handwriting, and evades the forged notes, unless asked by her counsel a question which does not involve her in the crime of perjury in swearing to Mr. Sharon's handwriting. It may be chance. It may be the accident of the moment. If so, it is equalled only by the miracle of the first of May, 1883, the Bell-house alibi, to which I shall refer later. It belongs to this class of miracles.

The foregoing history carries us through the acquaintance of these people during the year 1880. Succeeding events will require less discussion, because the story is mainly told in this year. Your Honor will, I think, find it difficult to discover, either by your own analysis, or the synthetic method I have adopted, anything but meretricious relations between the plaintiff and defendant. You will also find that whenever she has ventured to diverge from the truth, she has been met by contradictions and facts which demonstrate the falsehood of her historical statements.

Let us now examine the year 1881. Mr. Sharon was about

to go to Washington. Miss Hill says that Mr. Sharon called on her, spent the evening of Saturday, the first of January, in her apartment, and bade her good-bye there; and she adds. "I could have gone with him, had I insisted." She begins the New Year with another of her characteristic falsehoods. It is like her tale of the wedding. She could have gone to the wedding, had she insisted! She could have had his visits at the Galindo Hotel if she had wished. She could have had so much if she had only wished. The trouble is, she forebore to wish for what might have been of significance, and when she comes to what should have been, but was not, it invariably turns out that she could have had it if she had insisted! Mr. Sharon declares that the idea of taking her with him to Washington never entered his head. Miss Hill says herself, that she would not go to the wedding ceremony at Belmont, because she knew how much she was disliked by the family. She knew that the young lady, before the marriage would not tolerate her presence at Belmont. The Sharons were hostile to her, hated her, and contemned her; and yet, when Mr. Sharon was about to go East in a private car with his daughter and her bridegroom, this woman unblushingly says, "I could have gone to Washington in a private car with Mr. Sharon and Sir Thomas and Lady Hesketh, if I had insisted." Is there any doubt that this is a falsehood? How could Mr. Sharon, who, according to her story, had been at open war with his family on account of her character and her supposed relations with him, have forced her company upon Sir Thomas and Lady Hesketh during their bridal journey in a private car? Would any father commit such an act of discourtesy at such a time? But what did she *do*? Of course, we know what she could have done, if she had insisted! We know on what she did insist, and it is for your Honor to say if her conduct was that of a wife who had bidden her husband a tearful and fond adieu just before he departed, in a private car, with members of his family. The very day he left, Sunday, she "wiped her weeping eyes," and went to dine with Mrs. Bornemann, remaining until Lieutenant Emerie, whom witnesses described as "Miss

Hill's standing offer," came for her and took her home. In the morning after the Senator had gone, she summoned Ah Ki. He appeared. She told him that she did not want him then, but that he must come back in the evening. After she returned from Mrs. Bornemann's, Ki went again to her room, and she told him she wanted to find a letter of her's, left in Mr. Sharon's rooms. Ki admitted her and she went through every paper she could find. She carried away letters and papers. She asked Ki if there were boxes that contained papers, and, as Ki said, "She look at big letters too." If this woman had been Mr. Sharon's wife, living in his rooms morning, noon and night, with the rights of wifehood and the privileges belonging to the holy estate of matrimony, why should she, the moment his back was turned, get the Chinaman's permission to enter his apartments, and forage through his private papers, inspecting every document she could lay her hands on? By such inquisition she got the "Dietz letter" and its envelope. In this way she got the "Belcher papers," about which we have heard so much, and which have been the basis of so many threats to involve him in litigation; threats idle and vain, but employed by Miss Hill and her associates, as a means of coercing him into making a settlement of this iniquitous and fraudulent claim. She had had experience in illegal dalliance with gentlemen's private papers. She had been through Mr. Lloyd's in May, 1880, and it required a search warrant and the terrors of the County Jail to persuade her to relinquish her booty. She was playing the same old meretricious game; obtaining possession of something that could be used to blackmail; something that might enable her to wrong him or rob him. What wife, in her husband's house and in her own home, intrigues with a servant for admission to her husband's apartments and ransacks them for private papers? What wife commits an act of moral burglary upon her husband's desks and boxes? The sound of his departing wheels was still in her ears, when she commenced searching his papers under the pretext of finding letters of her own. What reason was there for removing such letters if she were his wife?

They might well repose with his other papers. Did she represent herself to Ki as his wife, or as anything but what she was? She says, "I have written him letters, and I do not want them found there, Ki; let me go in and get them." And so Ki, mellowed by entreaties and money, admitted her felonious ladyship. This conduct, of itself, brands her relations as meretricious. It shows that she knew she was not Mr. Sharon's wife; that she was only a woman with whom he had been intimate, and she wished to destroy all written evidences of the fact, and did so with complete success.

Of the many notes she wrote Mr. Sharon for payments on her salary, to which these epistles of his produced here are evidently in response, all have disappeared. He has none, because she took every letter on which she could lay her larcenous hands. In this way she took possession of the letter she showed Mrs. Kenyon, said by her to have been written by a Miss Riley. In this manner she robbed him of the "Belcher papers"—all stolen for some ulterior design; and she was animated with the same crooked purpose when she obtained the "unblemished reputation" letter, and then pretended she had lost it. On any theory of matrimony her whole tale and her entire conduct are inexplicable, but both are intelligible and consistent enough, when based upon that of mere meretricious relations.

Mr. Sharon had not yet arrived at Washington when Miss Hill went to dine with Mrs. Bornemann, on Sunday, the ninth of January; and when, again, Lieutenant Emeric of the Navy, her "standing offer" came for her and took her away. As she was leaving, Miss Hill invited her hostess to spend the evening of the tenth with Lieutenant Emeric and Lieutenant LeFevre of the Navy, the latter of whom Miss Hill said was destined to marry her, because a fortune teller had run the cards and found a dark man in close juxtaposition with a light woman! She wished Mrs. Bornemann to see her destined husband! Did Mrs. Bornemann tell the truth when she related this incident? If she did Miss Hill was then not possessed of her present delusion that she was Mr. Sharon's wife. She was a free

agent, looking round by the aid of fortune tellers, to see whom she might devour; and, at that time, direful fate had, with fortunate fickleness, settled upon Lieutenant LeFevre. On Monday, the tenth, Miss Hill, though mourning her absent lord, passed the evening with Lieutenant Emeric, Lieutenant LeFevre and Mrs. Bornemann; and Miss Hill again repeated that the latter was the man described by the fortune teller, as her future husband. On the following day Mrs. Bornemann was at Miss Hill's apartments, and during that visit Miss Hill confided to her the fact that she could marry Dr. Bradford whenever she pleased; and discussed the question whether she had not better, after all, take Dr. Bradford. During the same period, she was in the habit of telling Sarah Millett this same story, and there probably was approximate verity in it. Dr. Bradford was much in her company when here, corresponded with her when absent, and whenever Miss Hill spoke of her conquests, whether to Mrs. Bornemann, to Sarah Millett, to Mrs. Samson, to Mrs. Shawhan, or the fortune tellers with whom she was on intimate terms, she always held out Dr. Bradford as a reserve. He and Lieutenant Emeric constituted the rear guard of her matrimonial corps, but she moved them frequently to the front when occasion called for their services. Did the woman thus declaring herself free to contract matrimony think she was Mr. Sharon's wife? Did she then have her marriage contract and her "Wife" letters? I say no!

If she was the woman they describe her, and had been secretly married to Mr. Sharon, she would have guarded her steps as though a lion had been in every bush; she would have walked so uprightly that she would have appeared as severely chaste as though "lackied by Heaven's thousand liveried angels." No man could have approached her. She would have walked with the divine light of marriage above and around her, and the world would have known she was set apart. She would have waited patiently, peacefully and hopefully. The breath of other lovers would not have approached her. In her situation, all men would have had for her no attraction. Indeed, her doubtful position would have driven

her to propriety, though she had not been naturally inclined that way. But, no! She was always with unmarried young men of whose attentions she boasted. At the Fourteen Mile House with Hossack and Howland; about town with Hossack and Howland; at home and abroad with Emeric, LeFevre and Bradford; going with them as she had opportunity. She dined with Mrs. Bornemann, and Lieutenant Emeric came for her in a hack and took her away. The whole course of her life showed that she had no more idea she was married to Mr. Sharon than that she is now married to her counsel. It was evidently not within the horizon of her experience. She gave no sound or sign of marriage. Why, sir, just after Mr. Sharon had gone to Washington, she went to Sarah Millett's room and said to her, "I could have married Mr. Sharon before he went away, if I had wanted. The very night before he left, he wanted me to get in a hack and go and get married to him." She repeated this falsehood several times, and at the hour of her ejection from the Grand Hotel, in the fiercest paroxysms of her rage, raving like a panther, up and down her room, tearing her hair, and giving to the "worst of thoughts the worst of words," then, all she had to say of Mr. Sharon was: "Oh, I could have married him before he went to Washington and I wish I had." If she had a thought or gave voice to its expression, it was of marriage prospective and not accomplished. She wanted to achieve it. As Mr. Tyler admitted, she desired to pique Mr. Lloyd; but wherever we can break the veil of social obscurity resting over her, and drag her forth to the light of day, we find that her whole conduct, demeanor and language are at variance with the idea of marriage as a state accomplished and existing, but entirely consistent with her fondly cherished hope of an alliance with the possessor of such vast wealth. Yet, underneath that hope was another, probably the strongest and most passionate of her life, that she might yet return to Mr. Lloyd. And to-day, at this hour, if Mr. Lloyd were to

give her one faint smile of encouragement, or hold out to her the slenderest hope that he would be to her what she has always prayed he would, she would desert her counsel, abandon her case, tear up her marriage contract, and leave to their fate even her priceless "Wife" letters. She would confess that all this is conspiracy and fraud vamped up by her, originally, with an ultimate design against Mr. Sharon's estate in the event of his death, but into which she was prematurely dragged by Neilson, who fancied that with these forged letters, and the letters and documents she had purloined from Mr. Sharon, he could force him into the payment of a vast sum of money. Persuaded and cajoled by him and led on by her own folly, she was wrecked in this boiling sea of sin, and from her desolate house on Laurel place, at half-past two o'clock in the morning, she writes him: "Oh, God! I wish I had died! I wish I had died!" Behold this desperate creature, writing in the blackness of the far-advanced night, with no hope, no friends; without the glimmer of expectation that the conspiracy would bear its guilty fruit, while her despondent and wicked heart cries out: "How could you do it? You told me if I would let you make this fight, it should never come to court, and no harm should come to me! Yet here I am about to be arrested as a criminal! Oh, God! I wish I were dead!" In her innermost heart, just as her outward actions, her letters, her intercourse with her perjured associates all make evident, she has had no hope of ultimate triumph, but urged by desperate necessity, fierce as a tigress at bay, she has stalked to the witness box, and has sworn to what your Honor knows are open, gross and palpable falsehoods; with a face of marble and a brow of steel, without a respiration which indicated her fears or the fluttering of a nerve! Never before was such a creature on the face of the earth! Judge Terry shakes with simulated mirth at my language! But this is my honest conviction. He has been laughing, with her, during the progress of the entire trial. He probably knows her better than I do; but my impressions truly are as I give them; yet underneath that sar-

donic smile of his, I see the consciousness of wrong ; underneath that meretricious smirk of which she is so prodigal, I see the consciousness of guilt ; and there it will remain, divorce or no divorce, as long as her wretched life is spared !

(Here the argument was suspended, and the further hearing of the cause was continued until Monday, the first of September, at ten o'clock.)

Mr. Barnes—(resuming.)

If your Honor please: Mr. Sharon, as we know, left for Washington to take his seat in the Senate of the United States on the second of January, 1881. He left in a private car, accompanied by Sir Thomas Hesketh and his bride. The plaintiff says she could have gone if she had insisted, but knowing the aversion of Mr. Sharon's family toward her, she deemed discretion the better part of valor, and decided to remain behind. She was not, however so much overcome with grief at the parting as to forget to make an arrangement with Ki, Mr. Sharon's Chinaman, who held the keys of his apartments, to admit her to them at night; an incident which of itself is a sufficient refutation of the statement that she was the Grand Keeper of the Seals. Ki held the key to the rooms and she held a golden key to Ki, in the shape of a five-dollar gratuity. As we know, she went out that day, dined with her friend Mrs. Bornemann, returned to the hotel and proceeded to make an examination of Mr. Sharon's rooms, chaperoned by Ki, for the purpose, nominally, of ascertaining whether any notes of hers had been left about the room. Ki says she made a very thorough search of the apartment; looked into every box table and bureau, and inquired if there were any more receptacles for papers or letters. He says she took a number, and "some big paper, too." Nothing further occurred until a day or two later, when Mrs. Bornemann passed the day with Miss Hill and had a conversation with her respecting her circumstances. Miss Hill also expressed her views with respect to marriage and talked somewhat of Mr. Sharon, but more of Dr. Bradford; said that the doctor was devoted to her; desired to marry her, and she could marry him any time she wanted. She made the same boast about the same time to Sarah Millett, and, indeed, whenever in her conversation with any of her friends she was in want of a matrimonial topic, she brought in, just as her feelings prompted, first Dr. Bradford and then Lieutenant Emerie, and occasionally she intimated her ability to marry Mr. Fred Sharon if she desired; but on this occasion the former gentlemen were the main subjects of discussion.

She informed Sarah Millett, about the same time, that the very night before Mr. Sharon went to Washington, he besought her to get into a carriage and go to some clergyman and be privately married; and on the night before she was forcibly ejected from the Grand Hotel, she repeated this statement. Mr. Sharon, meanwhile, was on his way to Washington. He arrived on the fifteenth of January, and took up his quarters at the Arlington Hotel, where he remained until the twenty-eighth of February. Shortly after he reached Washington, the plaintiff went to her friend Mrs. Bacon, in the Grand Hotel, and had a discussion with her about her prospective marriage with Mr. Sharon, and wanted Mrs. Bacon's assistance to compose a letter to Mr. Sharon. At page thirty-one hundred and ninety-nine she says:

"She told me she would like to have me write her a letter to the Senator.

Q. Go on and state what she said as nearly as you can.

A. I told her I was not in the habit of writing love letters; it was a little out of my line; something I did not know how to do; but I could write her a letter if it was a matter-of-fact letter, and if she wanted it very much. She said 'Write a letter so that the Senator will propose to marry me.' I told her I did not know I could do that, but I could write her a letter, if she wanted it very much, which I did do.

Q. Did you write a letter for her?

A. I did.

Q. What did she do with it?

A. She copied it and read it. It was in the evening. First I asked her to state the relative positions betwixt her and Senator Sharon, that I might know how to address the letter, and she did so.

Q. What did she tell you?

A. She told me most emphatically he was only her friend, her dear friend. She emphasized the words 'my dear friend.' I said you had better address the letter 'my dear friend.' When she copied it she wrote it 'my dear Senator,' and left the 'friend' out.

Q. Did you see it after it was copied?

A. I did. She asked me about sending it. It was in the evening. She said to me, 'I don't like to trust it down stairs in the office. I do not like Mr. Thorn and I do not like to

trust it in his hands.' I told her I had lived there a long time and I had never found anything like that. I said if she thought there would be any trouble about it to send it by one of the bell boys. She said, 'What bell boy?' I said Jimmy Riley was a very honest boy. She rang the bell for him and he came. She said to him, 'You take this letter and deposit it outside, and do not leave it downstairs.' He said, 'I will do it.' He took the letter and read the superscription on the letter. He took the letter and departed with it.

Q. Did she ever say anything to you during Senator Sharon's absence about hearing from him?

A. She did.

Q. What did she say on that subject?

A. She told me she had received one letter from him, I think three weeks after he had gone to Washington in 1881. I think she told me the third week. It was a very brief letter. I do not think it pleased her very much, because I asked her—

Mr. Tyler—I move to strike that out.

Mr. Barnes—Very well, leave it out.

Q. You asked her if it was satisfactory?

A. I did. She said it was very brief; 'short,' was the answer she made. I think he returned on the first of March, directly after the Senate adjourned. She told me she received another, and I think that was all that she told me she received during his absence that spring and winter.

Q. Did she show you either of these letters?

A. She never did; she only told me of them."

On the twenty-fifth of January, Mr. Sharon sent Miss Hill five hundred dollars enclosed in the only letter he wrote her during his absence. Mr. Sharon thinks the pretended copy of a letter published in the "explicit statement" of Neilson, is in substance, that letter. It is strange that it is not produced. Neilson used it for the purpose of his appeal to the public, as a "Dear Wife" letter. Why is it not offered in evidence? Is it because it has been subjected to some of Miss Hill's processes, and upon review by the board of examiners has been pronounced unfit for exhibition? Of course, Mr. Neilson's statement that the letter contained in his explicit statement published in the *Examiner* of the seventeenth of September, 1883, was composed by him, or to use his own language, that it "contained the statement of two or three letters," must be

considered wholly apocryphal. It shows, upon its face, that it was a copy and nobody—when I say nobody, I mean the whole world and Neilson to boot—would ever pretend to compose a copy of a letter! That there was such a letter, Mr. Sharon swears. That it has been so tampered with as to make it unsafe to produce it, must, I think, be equally manifest. If the plaintiff did not receive the letter in which Mr. Sharon says he enclosed her five hundred dollars on the twenty-fifth day of January, then, if your Honor please, he never wrote her a line during that absence, though he sent her five hundred dollars. He was absent from the second of January until the fourteenth of March, and except to reply by telegraph to her telegraphic demand for money, and curtly say, “My secretary will arrange for you,” this husband never communicated with his wife! That he failed to do so, is evident not only from the fact that no correspondence is produced, but also from circumstances to which, in their chronological order, I shall call your Honor’s attention.

To February, 1881, the plaintiff assigns another of those curious inventions, by no means necessary to her narration, which seem to be the inevitable outcome of her peculiar mental constitution. It is impossible for her to go any distance without exercising her inventive faculty; and, always, in an unfortunate direction. The circumstance to which I refer is the following: She says, “Mr. Sharon was at this time anxious to have me move into the Palace Hotel. He wrote me urging me to move. I telegraphed him that he would have to send me some money before I moved.” She did telegraph or write to him for money, it is true, toward the middle of February, and he replied that Dobinson would arrange for her. He also telegraphed Dobinson to pay her five hundred dollars. She would have your Honor believe that money was telegraphed in hot haste, in order to enable her to comply with her husband’s order that she should move into the Palace Hotel, and be ready to receive him under the same roof when he arrived. The first reason she gives for not moving is that she could not do so until she had money. Why, sir, this cannot be

true. She had plenty of money. I would respectfully ask, moreover, what possible occasion for money had William Sharon's wife, in moving across the bridge that connected the Grand and Palace Hotels? It could not cost her a dollar unless she saw fit to give it to the servants, whose business it is to move the baggage of the inhabitants of these great caravansaries from one room to another. When your Honor considers the facts you cannot fail to see the falsity of her story. Did she need money for any purpose? What money did she have? She acknowledges that Mr. Sharon sent her one thousand dollars. He sent her also five hundred dollars, making a total of two thousand dollars inside of forty-five days; yet in spite of this generosity she declares she lacked the money requisite for moving. She had forgotten that her bank account was accessible. We find, that whereas she had not made a deposit since December, 1879, the first made by Miss S. A. Hill in the same account which she had opened with the Bank of California in 1878, was on the eleventh day of February, 1881, the day after Dobinson paid her five hundred dollars, when she deposited thirteen hundred dollars, a thousand of which Mr. Sharon had telegraphed her, under the name of Sarah Althea Hill! Later on she says, "I might have written him for the money, anyway I know I received that telegram."

Mr. Sharon denies the whole story of this scheme of migration to the Palace Hotel, but says that she wrote for money and telegraphed for money. It was money, money, money, and nothing but money, and she received money. If Mr. Sharon ordered her into the Palace Hotel, why did she not go? He says the subject of her removal to the Palace Hotel was not spoken of until after he returned from Washington, and then, though she persistently urged him to let her take rooms there, he always evaded compliance with the request. If he were her husband and wished her to go; if he sent her thirteen hundred dollars with which to transfer her small belongings from the Grand to the Palace, is it not reasonable to suppose she would have gone, whether as wife or friend? Either relation would have been a sufficient inducement; but the fact

that she did not go, accompanied by Mr. Sharon's denial, makes it plain, to me, at least, that she never thought of taking apartments in the Palace, and has simply woven this fiction with the bare thread of her tale, in order to create the semblance of domestic or family relations.

On receipt of Mr. Sharon's telegraphic order to pay her five hundred dollars, Mr. Dobinson called on Miss Hill at the Grand Hotel, paid her five hundred dollars, and took her receipt, which she signed "S. A. Hill."

In her direct examination she says, "A few days after," and upon cross-examination, "One or two days after, Mr. Dobinson called and brought me Mr. Sharon's password book for telegrams and left it with me for about a week, so that I might copy the pass-words if I wanted to telegraph him in cipher, so that I could telegraph him without people knowing what I telegraphed about, and I have the copy." It is hardly necessary to urge that this story is an unmitigated falsehood "gross as a mountain, open, palpable." She produces a few sheets of note paper containing cryptograms hastily copied in pencil, and by stealth, from Mr. Sharon's book after his return from Washington; and having these scraps in her possession, she builds this fabric of senseless falsehood, for the purpose of having your Honor understand that Mr. Dobinson himself supposed there were some peculiar relations between her and Mr. Sharon, which entitled her to receive, keep and use for a week Mr. Sharon's book of secret telegraphic communication with his confidential man of business. If this story is false, it must be an intentional and guilty falsehood. Mistake is impossible. In the first place, it is improbable that Mr. Dobinson, who had never seen the lady until he paid her five hundred dollars and took her receipt as "S. A. Hill," should, the next day but one, voluntarily go to her apartments in the Grand Hotel, deliver to her Mr. Sharon's confidential cipher book, and leave it with her for a week. The story, of itself, has the mephitic odor of falsehood; but when Mr. Dobinson testifies, we see "how plain a tale doth put her down."

Mr. Dobinson says :

"She sent a message by Ah Ki that she wished to see me ; and if I had a cipher with Mr. Sharon to bring it up with me, as she wanted to communicate by telegraph with him.

Q. Did you go ?

A. I did go.

Q. Did you take the cipher book ?

A. I did.

Q. When you got there, what occurred ?

A. I asked her if she wished to send a telegram to Mr. Sharon. She said yes. I told her if she would put it into English, I would put it into cipher for her. She then said it was entirely of a private nature. I told her I thought she would not understand the cipher; that was the reason I said I would put it in the cipher for her. She then said, 'Oh, well, never mind; I guess I will write it.' After making that statement she said, 'Mr. Dobinson, cannot you leave this book with me?' I said, 'Miss Hill, I cannot.' I said, 'I am in communication with Mr. Sharon almost every day by telegram. I might have a message at my office when I get back, and if the book was left with you I could not decipher that message.' I then left there and took the book back to my office.

Q. Look at this book and state whether that is the cipher book you then had with Mr. Sharon. (Handing book to the witness.)

A. Yes, that is the book I had; my copy.

Q. Was that the book you took up to show Miss Hill ?

A. That is the identical book.

Q. Did you ever leave that book with her at any time ?

A. No, sir.

Q. At any time ?

A. No, sir.

Q. Then or ever ?

A. Then or ever.

Q. Now, Mr. Dobinson, I wish to call your attention to the book marked 'Letters.' Taking this and your cipher book, let me know how often, if at all, you used your cipher book, commencing on the tenth of February, 1881."

His answer proved that he used the book at his office in sending a telegram in cipher to Mr. Sharon at Washington the very day she swears that Mr. Dobinson left the book with her. He telegraphed to him, in cipher, on Sunday, the thirteenth, the next day; he telegraphed to him, in cipher, twice on Tuesday the fifteenth; he telegraphed to him, in cipher, on

the sixteenth; he telegraphed to him, in cipher, on the seventeenth; he telegraphed to him, in cipher, on the eighteenth; he telegraphed to him, in cipher, on the twenty-first—and there your Honor stopped the enquiry. Mr. Dobinson produced his cash book which showed that these telegrams, composed from that book, were sent to Washington and paid for; demonstrating, beyond the possibility of doubt, that her story about the loan of the cipher book is a willful falsehood.

Was she in constant communication with Mr. Sharon? Is it true, as she says, that she had from eight to fifteen letters from him during his absence, and that after his return Mr. Sharon took them from her trunk and burned them, giving as a reason that he had made mention of the names of ladies in them, and that they would do harm if they should fall into other hands? Why, sir, she knew no more of Mr. Sharon's movements then than of mine or yours to-day. She was not even aware when he was coming home. On the twenty-fourth of February, 1881, in response to an enquiry made by her through Ki as to Mr. Sharon's plans, Mr. Dobinson sent her the following:

"Mr. Dobinson's compliments to Miss S. A. Hill, and informs her that Mr. Sharon will start for California on Monday the 28th."

He sent this note because, when he was at her room on the twelfth, Miss Hill asked him to let her know when Mr. Sharon was coming home. She says Mr. Sharon requested Mr. Dobinson to do so. Why should he? If she were his wife, or his friend, and he was maintaining constant communication with her, by letter or otherwise, why should it be left to Mr. Dobinson at her request (for Mr. Dobinson swears she made it) to inform her when Mr. Sharon would leave Washington? Is there any consistency in the story of correspondence when we know that she had to resort to Mr. Dobinson for a scrap of information about Mr. Sharon? If she had, as she says, two or three letters from Mr. Sharon, urging her removal to the Palace Hotel, why should not the same letters also inform her when her lord and master was coming to California?

Mr. Sharon left Washington on the twenty-sixth of February, 1881, and went to Baltimore, where he stayed two or three days and then left for San Francisco. He arrived on Monday the fourteenth of March. He thinks that during this absence of sixty-five days, Miss Hill wrote him but one letter which he received; a letter containing a request for money, and he wrote her in reply a short note, which is not produced. He says it was addressed to Miss Hill at both the top and bottom of the page, and is in substance the same letter, though altered in the address, which was published in the "explicit statement" of Neilson. If Mr. Sharon did not write this letter, he did not write her a single line while he was away, and Mr. Neilson never saw any letter written during Mr. Sharon's absence in Washington, because this was the only one she had preserved; all the others, according to her own statement, having been burned in the spring of 1881. She says that he was in her room one night and she wanted to get something out of the tray of her trunk. He lifted it for her and the letters were lying underneath. Her back was turned and in a moment she heard him laughing, and his letters to her were in the fire. She says that prior to this occasion she was in his room and unpacked his valise and took all the letters which she had written to her husband during a sixty-five days' absence in Washington, and put them in the fire! When, since Christian marriage was ordained, did a wife destroy her own letters? She might search her husband's trunk to find and destroy, if she could, the letters of other women, but the wife does not live on the face of this earth, who, upon the instant of her husband's return from a long journey, would go through his baggage, like a ferret through a barn in search of rats, to discover her letters to him and then throw them in the fire. A woman who sustained meretricious relations to a man might indeed do so, but not a wife, whose heart was full of the sweet, pure instincts and emotions that good wives feel toward their husbands. Were she a lawful wife, she would sooner think of putting fire to the house and involving herself and him in one common conflagration. The only object of this tale

is the same as in so many other instances, to explain away the damaging historical fact that they were sixty-five days without correspondence.

Mr. Dobinson insisted upon a receipt for the money he paid her on the tenth of February. She was exceedingly reluctant to give it, she says; and, undoubtedly, she wished to get the money and leave behind no trace of its payment. As soon as Mr. Sharon returned, she assailed him to recover from the hands of Mr. Dobinson the evidence that she had received money, and Mr. Dobinson forwarded to Miss Hill the receipt she had given him on the tenth of February. The receipt and Mr. Dobinson's card accompanying it are in evidence.

I would like some explanation of the fact that this wife was in such hot haste to recover the evidence that her husband's secretary had paid her the paltry sum of five hundred dollars; especially if it be true that Mr. Dobinson knew that there was "some great relation" between herself and Mr. Sharon; had voluntarily called upon her with information as to Mr. Sharon's whereabouts, and had given her Mr. Sharon's private cipher book to keep for a week and use in communicating with her lord? The moment the mind begins to dwell on these facts and to base them on the hypothesis that there could have existed marital relations between this man and woman, it is led into a maze of contradictions, inconsistencies and absurdities. You see conduct wholly at variance with the honorable relations of the marriage state, but perfectly in accord with the course that would naturally be taken by a woman who was willing to do wrong, but had, as yet, conscience enough left to be ashamed of her wrong doing. Such, at that time, was precisely the condition of this unhappy woman.

Mr. Sharon says that shortly after his return, the scheme of migration to the Palace Hotel was broached by the plaintiff. He avoided giving her permission. He swears that he never asked her to move there; and she never did obtain her desire to live under the same roof with the defendant. I ask your Honor if, from what we know of her, from what we have seen of her, it is credible that if Mr. Sharon had persuaded and

urged her to move into the Palace Hotel, she would not have jumped at the chance? She says he was "constantly wanting her to come." He says he was constantly avoiding the possibility of such a catastrophe. She says she did not go because she wanted to avoid comment; yet at the same moment in which her versatile fancy invents this story, she gives her mental kaleidoscope another turn, and presto! every color, form and lineament is changed, and she swears that in consequence of his beseeching, she had five or six suites of rooms successively fitted for her; but she was so fastidious as to prefer to remain in her contracted apartments in the Grand! Did anybody ever see anything like her? You never know where she is. She tells first one tale and then another, each pronounced in a manner that presents, for a moment, the very aspect of truth; and then when you turn to the other side you are met with nothing but contradictions. She could not go to the Palace because she needed money to move, yet at that moment she was depositing thirteen hundred dollars in bank! She could not go to the Palace because she preferred to avoid comment, yet she had five or six suites put in order by Mr. Smith and Mr. Alex. Sharon; and still the fastidious creature could find nothing to suit her in that vast and magnificent pile, and so stayed away! Stayed away, too, because she says she wanted to avoid comment. Why, there was comment enough and to spare! Sarah Millett says that at this time she had the reputation of being Mr. Sharon's mistress. This illicit connection, like all such liasons, had got abroad. This sin, like all other sins, was finding them both out. Did comment make any difference to this girl who lived in the Grand Hotel, and who, night after night, as I have stated before, in the gloom of dusk, was flitting like a bat across the bridge, and fluttering into the rooms of Mr. Sharon, to settle there until the daybreak warned her to steal back to the cover of her own apartments? Avoid comment! Yet she says, in the next breath, that there was no place to which Mr. Sharon went without her! He transacted all his business with her aid; they "had no books that were not tales of love; they had no

friends that were not lovers!" Yet it was to "keep down comment" that she did not go to the Palace Hotel. Ki says that from the time of Mr. Sharon's return from Washington, invitations to his room were fewer, and she came less frequently than formerly; but she swears she used to go everywhere with Mr. Sharon, even to Oakland with him, on his business. I should like to inquire what occasion there was to keep out of the Palace Hotel for the sake of avoiding comment?

Mr. Sharon denies any such absorption in her charms as that asserted by the plaintiff. He says that she never went out with him, on business, in his life. He admits that he did drive with her once to Oakland to call on Mrs. Hardenberg, in 1880, but on no other occasion. She states that he took her to the circus and met Mr. Howard Coit there, and to the Laguna Honda and met Mr. George Wells there. Mr. Sharon denies both transactions. Both of these gentlemen are well known to your Honor. I have seen them in court during the progress of the trial; and if there were a single incident, however minute, to which they could testify, such as the picking of a pin from the floor and its presentation to her by Mr. Sharon, the witnesses would have been brought here to prove it. But these stories, like all the rest, are gross exaggerations. The most infinitesimal circumstances are magnified to important facts by that vivid and boundless imagination, which transcends, as we have so often had occasion to notice, anything ever known in the constitution of man, woman or child. I make this observation irrespective "of race, color or previous condition of servitude."

During the month of March Miss Hill went to her friend Mrs. Bacon and told her that she had some trouble with Mr. Sharon, and was afraid now that they never would be married. "Those," says Mrs. Bacon, "were her words." She said that he had received an anonymous letter about her and was disposed to believe it. Mrs. Bacon says; "She was in trouble; she was in great sorrow and trouble. She had had a difficulty with the Senator that evening or that morning; I cannot tell whether she said the evening or the morning. She said, 'I have just

had a trouble with the Senator, and I am afraid now he will never marry me.' Those were her words.

Q. Did she tell you what the quarrel was about ?

A. She did.

Q. What was it ?

A. She said someone had written the Senator a letter, an anonymous letter defaming her, and the Senator was disposed to believe the letter, and not her, and for that reason she thought he never would marry her. She asked me what I thought about it. I told her—would you like to know that ?

Q. Go on and give the whole conversation.

A. I told her I did not consider, under the circumstances, that her sorrows admitted of any complaint whatever, from the simple fact that they were nothing but friends, as she had told me before, and if I were in her place I would let him believe it; if he chose to believe an anonymous letter, let him believe it; that was what I said.

Q. What did she say ?

A. She would not do it, and she would not allow him to believe it if she could help it.

Q. Did you have any talk with her about remaining here or going away ?

A. Oh, yes; I told her if I were in her place, when she asked me about the Senator, that I would leave California and go East or to Europe, go to some city out of California or America, or go to Europe and live in some European city, where she could live quietly and marry some nice gentleman; I told her that I thought she was a nice looking young lady—and she always acted like a lady in my presence—and I thought she would marry well. She said 'no,' most emphatically, 'I shall not leave California, I like the climate, and I prefer it to any other climate; I shall live here and I shall yet marry some gentleman, and make some gentleman an honorable wife.' Those were her words.

Q. After that conversation did you have any talk with her in relation to Mr. Sharon's intentions toward her, or what might occur between them ?

A. Well, I told her I did not think they would ever get married from what she had told me. I did not see any possible show for her for anything of that kind. I told her that was my view of it although I did not know. I thought he did not intend to marry her. She told me he was only her admirer, etc. I did not see anything to guarantee anything else.

Q. Did she say anything to you about this Miss Dietz ?

A. Yes, sir.

Q. What did she say about her ?

A. Well, she told me that she had a prior claim to the Senator to her own, and she did not consider the Senator would ever marry her while Miss Dietz was in the way ; that she had a prior claim to hers ; she was the obstruction, that was the word I think she used. At all events it was the substance of the language.

Q. Did she tell you where Miss Dietz was then ?

A. She said she was in Philadelphia with her mother, in a brown-stone front, or a black-stone front. I have forgotten the color of the stone front exactly.

Q. Did you ever hear her speak of Doctor Bradford ?

A. Yes, very frequently.

Q. What did she say about him ?

A. The Doctor was an old friend of mine, and she knew that very well—

Mr. Tyler—Never mind that. State what she said.

Mr. Barnes—State what she said about Dr. Bradford.

A. She told me that the Doctor was in love with her ; she did not tell me that he ever proposed to marry her, because she thought I would not believe that.

Mr. Tyler—You are not asked to tell what she did not tell you. I object to that.

Mr. Barnes :— Q. Just state what she did say, and not what she did not say.

A. She told me that the Doctor was in love with her, but had never proposed to marry her, but she thought she could get him if she wanted him. She told me she thought she would write to Dr. Bradford that she did think of marrying Mr. Sharon, just to see what he would say to that, and asked me what I thought he would say to it. I told her I thought the Doctor was a man of the world, and that he would take such matters very quietly. I did not think it would annoy him in the least.

Q. Did she ever show you any letter from Doctor Bradford ?

A. She did.

Q. How many ?

A. I do not remember exactly how many. She read me more than one, more than two. I know she received a letter of eight pages during the absence of Mr. Sharon in Washington during 1881. It was not a love letter ; not what I con-

sidered a love letter; rather a matter-of-fact letter, giving her very good advice. And she read me another, I think, of one page, coming from the Doctor, a very nice letter, as a gentleman would write to a lady.

Q. Did she ever say anything further in relation to the way in which Mr. Sharon had treated her, or of their personal relations?

A. Oh yes; she told me a great deal about him, so much so that I—

The Court—State what she said, Madame.

A. You mean in relation to his marrying her?

Mr. Barnes—I mean how had he treated her, whether with respect or with the want of it.

A. No, she did not say that he treated her disrespectfully. She said he was very fond of her and that he respected her very much, and so on, that is all I can say. She never said anything but what he respected her very highly as a lady.

Q. After the wedding at Belmont, did she ever say anything to you about what he wanted to do at the wedding?

A. Yes, she said she saw but little of him at the wedding. She was flirting with his son Fred all the evening. I think she said it was before or just after the wedding. I cannot remember exactly. This was the wedding reception.

Q. That is what I am talking about.

A. She told me he said something about it would be nice to get married at the same time, but he was only joking. She said she did not think it would be exactly the thing anyway, to get married at the same time that his daughter did; that it was a rather indelicate thing, especially when it was not thought of before. She said something about a marriage bell of flowers under the arch, or something standing under it; I do not recollect what it was. It would be nice to stand under it, it did not amount to anything. I did not pay much attention to it.

Q. How frequently from December, 1880, up to the Spring of 1881, when you left the hotel to go to the country, did she have these conversations with you?

A. I think every day or two. She would run in and say something about the matter, tell me what was passing betwixt the Senator and herself while he was there, and during his absence about the letters, what she received and what she did not receive.

Q. Were her visits frequent?

A. We lived on the same floor. I had a suite of rooms on the same floor with herself, and she would run in very often in the evening or daytime. If any one was in there, I introduced her to my friends always as Miss Hill. I know of no other name for her.

Q. Did you visit her?

A. Occasionally; generally she sent for me if I went in; she sent Jimmy Riley for me for some purpose, to talk with me or for something else."

The plaintiff disposes of Mrs. Bacon by wholesale. She swears she never had any conversation with her; was never in her room, and had no association with her! It would be curious to know how, if Mrs. Bacon's testimony were false, she came to know so much about Miss Hill; how she knew all about her affairs with Lloyd; all about her relations with Mr. Sharon all about Lieutenant Emeric, and all about Dr. Bradford.

I pause here to notice the plaintiff's statements with respect to being so much in Mr. Sharon's company. She says: "I was with him morning, noon and night; I breakfasted with him; I went abroad with him on business; I dined with him; we went out to the theatres together and I passed my nights in his apartments." Yet, with her curious ability to give her kaleidoscope a turn and show you an entirely different picture, without a trace of the former combination, she says: "Ki brought me a great many notes. If we had any difference about anything I would leave and go to my room, and Ki would come over with a note, and sometimes it would contain money. Generally his notes contained money to put me in a good humor." What wife would make such a statement? There are relations of a kind better imagined than described, in which "the jingling of the guinea helps the hurt that honor feels," and whose broken links may be mended with the meretricious cement of money. Miss Hill makes this observation particularly in reference to the letter of the first of April, 1881. (Plaintiff's Exhibit Twenty-nine.) Where are all those "packs and heaps of letters" of which she has boasted? He had destroyed none except his Washington letters. Have experiments in alteration and forgery consumed them? The four forgeries of the word "Wife" occur, every one of them, in notes which are evidently in reply to dunning epistles sent

by her when she could not see him, or he would not see her. These notes are all business letters and nothing more. Not one of them holds out any olive branch. Not one of them contains a peace offering in the shape of either money or affection. I would respectfully inquire what reason would there be for his sending this lady money—"remitting balances"—for that is his language: and stating accounts, if she saw him at breakfast in the morning, was with him in his business hours, dined with him in the evening and took his weary head upon her bosom through the shadows of the night? Why should he write to her on the first of April that he remitted the balance of two hundred and fifty dollars by Ki? Why should he on the fifth of May remit a balance of two hundred and sixty dollars, and state the account between them? Why should he on the twenty-ninth of August, remit her five hundred and ten dollars? Why remit her forty-five dollars, as he did in a brief note without date? Why in October remit her five hundred and fifty dollars? Why write to her in October, 1880, about Thorn? Is there anything in such letters as the following to show that the sums mentioned in them were extended as peace offerings, to reconcile some quarrel or difference between them, in which she had left him in a fit of ill temper? Is this an olive branch?

"My dear Miss Hill:—

Enclosed please find balance due you
for this month, of \$260. Etc., etc.
Yours, etc.
SHARON."

If this was a peace offering I would like to see some of the letters written when he was really angry! Look, for a moment, at other notes. Here is Exhibit Twelve, the note of the sixth of November, 1880:

"My dear Allie:—

Will be over soon and arrange for the trip to Belmont."

Why write such a note if they were really living together as husband and wife? What occasion was there for it? It was written at some hour between breakfast time and that of

the departure of the afternoon train. If they had this trip under advisement from the fourth to the sixth of November, what occasion was there for him to write this note, if she was with him morning, noon and night ? What necessity for writing on the ninth of December, 1880, "I will call on you as I come from Colonel Fry's for the joke." Why, in the name of all mysteries, did he write her on the twenty-first of December to come over and take a bottle of wine ? She swears they had been together at breakfast ; been out on business all day ; dined together ; passed their evenings together and the nights beside. Why, then, write her a second note, saying, "Miss Hill, come over and take a bottle of wine." Why write Exhibit Thirty-three, without date, and invite her to dine with him ? Why say in Exhibit Thirty-four, without date, "Come and take dinner ; I have a nice sample bottle of wine and would like you to try it." Why write to her about going to Belmont with Governor Young's party ? When you add to all this correspondence, the notes of the twenty-fifth of September, 1880, can you read in them anything but that which was the truth ? No man of common sense ; no man with the slightest knowledge of the world ; no man who is fit to be abroad without a guardian can see in these notes anything else than a meretricious connection, that sprang to life upon her importunity, and was brought to its death by her own evil conduct. Lay aside her declarations ; ignore the testimony of Mr. Sharon ; discard this disputed word "Wife," interpolated in four of these letters and forged on a fifth, and what do they show ? Do they tend to establish the domestic relation, the dwelling together of husband and wife ? The file of his correspondence with her begins on the twenty-fifth of September, 1880, and ends on the fifth of October, 1881. There are in all, thirteen notes. The plaintiff's letters to Mr. Sharon, as produced by him, only begin to appear when she no longer had access to his rooms, and did not have the chance of purloining them. Those he has produced cover the period from the nineteenth of November, 1881, to about May, 1883. Her letters to him begin where his leave off. She has notes from

him of the character we have seen, commencing in September, 1880, and closing more than a month before she was ejected from the Grand Hotel. He can produce none from her during that period, and their absence is explained by the fact that the system of foray which she inaugurated on the occasion of his journey by that raid on all his papers up to date of January, 1881, was continued, as she had opportunity, during the summer and fall of 1881; but from the time when she was no longer permitted to go to his rooms her letters to him begin to appear!

We have considered his letters and notes. Now, I ask your Honor, what is the character of her letters? They show that never, at any time, did she address Mr. Sharon as husband or subscribe herself as his wife. Most of them are cold-blooded demands for money; they contain no expressions of love; they reveal no domestic life; no glimmer of home sympathies. They are void even of signs of the passion of illicit communion.

Lady Holland said it required a surgical operation to get a joke well into a Scotchman's understanding. It would require a more delicate instrument than Mr. Tyler's brutal tomahawk to insert into the judgment of any intelligent mind an opinion that this was the intimate communion of husband and wife. The dullest brain would pause and turn in utter disgust from such a conclusion.

Friday, the first day of April, was All Fool's Day, and to mark it, they produce what they call plaintiff's Exhibit Twenty-nine, addressed:

"My dear Wife:—

Enclosed send you by Ki the balance, \$250, which I hope will make you very happy. Will call this evening for the joke."

This is without signature. The envelope has on it a rude sketch of a hand, the words "My trusty friend," and is addressed, "Miss Allie Hill, Grand Hotel, San Francisco." This is the first letter from this husband to his wife since that forgery without date, but presumably written on the sixteenth

of October, 1880. In the interim the only notes were those of the twenty-fifth of September, 1880, in which he addressed her as "My dear Miss Hill" and "My dear Allie." He introduced her as "Miss Hill" to Mr. Thorn on the twenty-seventh of September. On the fourteenth of October he writes of her as "Miss Hill;" on the same day he again writes of her as "Miss Hill." On the sixteenth of October, up starts this letter, the body of which we claim to be a tracing, and the "My dear Wife" commencement, a forgery.

Now from the sixteenth day of October to the first day of April Mr. Sharon had apparently forgotten the circumstance of his marriage to Miss Hill, because he addresses her on the sixth of November "My dear Allie;" on the ninth of December, "My dear Allie;" on the thirteenth of December, "Miss Allie Hill;" on the twenty-first of December, "Lear A.;" on the twenty-second of December, "Dear A.," and on another occasion, without date, "Miss Hill."

As my associate remarked, a man might not always say, "My dear Wife." He might address her, "My dear Jane," or "My dear Kate," or whatever her sweet name might be, but he never would relapse into the use of her maiden name; yet such was the style in which the defendant addressed Miss Hill in December; and from the twenty-first of that month until All Fool's Day, of 1881, he never wrote her a note of any description. On the latter day he writes the letter I have just read, and does not even sign his name. Mr. Sharon says that the word "wife" is a forgery added to the letter after it left his hands, and about the time she received it Miss Hill told Mrs. Laws at the Grand Hotel, that she was engaged to Mr. Sharon, and boasted of the extent of his affection for her. Mrs. Laws had known Miss Hill, more or less intimately, since 1878. She was her confidante in her love affairs, and in her troubles with Mr. Lloyd in 1878, when she purchased five dollars' worth of spiritual comfort from Mrs. Laws, and, as we know, obtained a fresh supply in 1879 and forgot to pay for it. It was at the very time when she claims to have received this letter from Mr. Sharon, in which he confessed her, so far as language

could, to be his "dear wife," and sends her the balance of two hundred and fifty dollars by Ki, that not only to this person but to others, she was boasting that Mr. Sharon was exceedingly in love with her; that he desired to marry her, and that she had not yet made up her mind whether she would take him or not; there being several objections, the principal being the difference in their ages and in their families; she having sprung from one of the first families of Cape Girardeau, in the State of Missouri, while Mr. Sharon was only of a lowly stock from the distant and scarcely reputable precincts of Smithfield, Ohio.

Permit me here to consider plaintiff's Exhibit Twenty-nine, and the other pencil notes. Mr. Hyde has testified that the space on Exhibit Twenty-nine, where the word "wife" is written, bears unmistakable evidence of having been abraded by india rubber, or some similar substance. He remarks in relation to erasure of pencil writing, that almost the only source of help in discovering fraudulent papers written in pencil lies in the impressions made on the paper by the point of the pencil, which the rubber cannot remove, and also in the particles of plumbago left in the interstices or fibres of the paper, and which are not removed by the ordinary process of rubbing out. He makes a careful comparison of the word "wife" with the rest of the line "My dear." He says there is a difference in the manner of forming the letter of the word; each of the letters, the "W," the "i," the "f," and the "e" is boldly written. He compares the "W," in the word "Wife," in Exhibit Twenty-nine, with many "W's" found on page five of defendant's Exhibit Fifteen, and declares that the correspondence of these letters in general character with plaintiff's handwriting is very strongly marked. He was very tediously cross-examined by Mr. Tyler on Exhibit Twenty-nine, and with reference to the disturbed fibres in the word "Wife," he says: "The space covered by the word 'Wife' is about half an inch in length, and about three-eighths of an inch in perpendicular. In that space at various points, I find the fibres of the paper disturbed, and all in a different direction. The mass of the fibres is disturbed. They are very small, but they are dis-

turbed in a uniform direction. The paper shows evidences of rubbing, and there is a collection of some substance in those lines which gives, in the aggregate, the appearance of several rather darkish lines running in that direction. They have the appearance of having been rubbed after the erasure had taken place."

He was examined as to the displaced fibres in other parts of the paper, and says: "I have found some individual fibres here and there displaced, but I have not found the surface of the paper disturbed in any other point as much as it is under the word 'Wife,' and in the neighborhood of the word 'Wife.' I have examined it for that purpose to ascertain if there was any other point where the disturbance was equal to this, and I have found none." He says: "I find here more fibres of paper disturbed than I can count, round the 'w' and the open places surrounding it. There is now in the field of the microscope a spot showing the cavities of the paper on both sides, produced by removing a comparatively large fibre, which is one of the results of using rubber on paper—that is to say, this cavity is created by the actual removal of small pieces of fibre; they are not only displaced, but they are actually removed. The displacement of fibres frequently leaves a cavity in the paper which is visible under the microscope. Abrasion of the paper sometimes causes a change in the position of the fibre, while any displacement wholly removes the fibres from their position, and sometimes portions of them are rubbed from the surface of the paper by the rubber and thrown off, and along with them, go, of course, the pencil marks." He adds: "The effect of rubber upon paper varies with the paper used and with the circumstances surrounding the writing, the depth of the impression made by the pencil itself on the paper, and the blackness or heaviness of the plumbago or material of which the pencil is made."

Judge Tyler here saw his opportunity; and he mounted his war-horse, lowered his visor, and with a bit of paper for a banner and a pencil for a lance, charged upon Mr. Hyde. He challenged him to make good his assertions that words could be written upon paper with a lead pencil, and then be so erased by rubbing as to very slightly disturb the surface of the paper, or in such a way as he said, that sometimes it might be detected, and sometimes might not be detected. He had declared that pencil marks lightly written upon paper of ordinary sur-

face could, with soft rubber, be erased so as to leave no trace whatever of the use of the rubber; that there might be one fiber or two displaced, but it was even possible that such might not be the case at all. I am sure your Honor will remember how Mr. Tyler prepared his paper, wrote upon it with a pencil, and with that air of contemptuous superiority that so ill becomes him, handed it to the witness for the purpose of making these tests; and your Honor will remember how quickly and skillfully Mr. Hyde accomplished the removal of the pencil writing made by Mr. Tyler, and did not leave upon it any mark or trace that writing had ever existed upon the paper: and your Honor will remember moreover with what resignation, founded upon long experience, Mr. Tyler met this discomforture. He laid down his lance, pushed up the front of his visor, gave a "whew," wiped his brow and walked off as if he had not really cared the snap of his finger about it, after all. It was truly curious to observe the ferocious and savage aspect of Mr. Tyler, as he assailed the witness, and the ludicrously indifferent and nonchalant air with which, after having been defeated, he walked away and behaved as though he had forgotten the whole subject of controversy between the time he left the foot of your Honor's desk and resumed his seat!

Mr. Hyde also testified that, in his opinion, the word "wife," in Exhibits Eleven, Thirteen, Sixteen, Twenty-nine and Thirty-seven, was not in the handwriting of the body of the respective papers, and certainly not in the handwriting of the defendant. He testified that without any question the "wife," in Exhibits Eleven and Thirty-seven was in the handwriting of the plaintiff herself.

He says the word "wife," in Exhibits Sixteen and Twenty-nine is better disguised than in the others, but possesses characteristics of the plaintiff's handwriting which are unmistakable. He gives his reasons for this opinion. He finds a remarkable similarity in what may be called the generic features of both handwritings, and, after an examination of plaintiff's handwriting, finds her hand is capable of writing every letter in this five times repeated word "wife," and his general con-

clusion is, that the details of each of these words bear a much stronger resemblance to Miss Hill's handwriting than to Mr. Sharon's. He says further :

"When you take a general view of Exhibit Twenty-nine, there is a marked difference, and a very great want of harmony between the preceding words "my dear," and the word "wife." But in Exhibit Thirty-seven, the word "wife" is more in harmony with the preceding words than any of the others." He says that in Exhibit Thirteen each letter of the word "wife," is wholly out of harmony with the preceding. He says :

"I find examples of the 'f' in plaintiff's handwriting so closely allied to these 'f's' in 'wife,' that I perceive not only the possibility, but the ease with which her hand could form the letters in imitation." As to Exhibit Eleven, the word "wife" is closely allied to plaintiff's handwriting, as far as can be deciphered. In Exhibit Twenty-nine, as we have seen, are evidences of erasure. Also in Exhibit Thirty-seven, and in Exhibit Sixteen there are very marked traces of erasure ; and with reference to this last letter, he added that a portion of the top of the first stroke of the "w," had been plainly erased, and he believed that the erasure had been made since he first saw it. In Exhibit Sixteen he found clear evidences of erasure under the word "wife," and the traces found of a previous pencil word, which he believed to be the top of the letter "A," in the word "Allie." There are repeated instances of these letters having been tampered with in many other respects, as for instance, the prefix of the letter "W" to the "S" in Exhibit Sixteen, and the rubric under the "W. S." in Exhibit Sixteen is an evident fraud, and was never made by Mr. Sharon.

Mr. Hickox corroborates Mr. Hyde in his general view of these papers, though he was not cross-examined, and counsel left Mr. Hickox's testimony to stand upon his positive and unqualified assertion that no one of the four words "wife," written in the four different letters—the letter of October the fourteenth the letter of April the first the letter of August the twenty-ninth and the letter of October the third was in the handwriting of Mr. Sharon.

Mr. Gumpel is of opinion that all of the "dear Wife" letters are wholly in the genuine handwriting of the defendant. His reasons for this opinion are worthy of notice. I do not know whether or not your Honor found the same difficulty that oppressed me in appreciating his reasoning, but his whole line of argument was exceedingly unsatisfactory, and though I do not misunderstand his words, I do not comprehend his meaning. He says in the first place that he thinks that pencil writing cannot be taken out and words afterwards written over the erasure without danger of detection; but we know from ocular demonstration that Mr. Hyde succeeded in accomplishing this result, so far as the erasure is concerned, without the slightest difficulty to himself, but to the very great discomfiture of Mr. Tyler. Mr. Gumpel says first that in his opinion it is impossible to do this. He afterwards states that it would require a very scientific person to do it, by which I presume he means that it is not absolutely impossible, but requires a person skilled or accustomed to use the rubber in removing pencil marks to accomplish the removal of pencil writing without leaving marks. He goes on to say in explanation of these difficulties, that in the course of writing the words "My dear," the pencil will have worn down to a certain point, in which case, if the writer did not turn the pencil, he might make the word "Wife" uniform with the previous words. That "it would be very difficult, if not impossible, to make the same pencil line uniform in the same color as this is, because the writer of the additional words would be very apt to take a harder or a softer pencil." Then by way of illustrating this remarkable position, he said: "The pencil has to be tried a great number of times in order to bring it within the color of this 'My dear.' That is to say, it can be brought within the color of this 'My dear' provided the pencil be tested until the point is reached where a favorable result can be produced upon the paper to be altered." After having said one thing and then another; first that it is impossible; and then it may be done by a skilled person; next that it cannot be done; and then that the pencil would have to be tried a good many times, he says: "For that reason these three words look so uniform, that there is hardly a possibility

of putting these words 'My dear Wife' there, and for that reason, I cannot see the possibility here."

If your Honor can understand what the gentleman means, I declare I cannot. No mind can comprehend it, I think. His reasons for the opinion that there is no erasure, are :

First—That an erasure cannot be made.

Second—That if made, it requires a skilled person to make it.

Third—That the depth of tone of the plumbago would differ in proportion with the hardness or softness of the material, from that of the pencil used to write the preceding words, which pencil it would be impossible to obtain ; but that the tone might be assimilated, provided the pencil was tried a great many times.

He guardedly states that his examination gives him no clew whatever that there is any erasure on the paper; yet I submit that the character, method and extent of Mr. Gumpel's examination is not to be compared favorably with that adopted by Mr. Hyde ; and even if these experts differ, and differ honestly in their conclusions as to the evidences of erasures, Mr. Hyde's opinion is entitled to the greater weight, because of the mode in which his examination of the papers was conducted. Mr. Gumpel used his little hand-glass, but Mr. Hyde exhibited to your Honor all the details of his discoveries with the microscope, and your Honor walked with him step by step through the almost endless but direct path of his inquiries, while with respect to Mr. Gumpel you have only an opinion, positively expressed, it is true, but which becomes the very essence of equivocation when the test of the reasons which form the basis of his judgment is applied. Mr. Gumpel declares that his examination gives him no clew that there is any erasure, and because he takes only a fugitive glance at the paper, he assumes not only that there has been no erasure, but that the word "Wife" now there written must therefore of necessity be the genuine handwriting of the defendant ! Yet when questioned with respect to the plaintiff's ability to imitate the writing of the defendant he says, "she is capable of writing the word

'Wife.' I think she is just as able as a great many others. It is not such a hard job to do." He says her "W's" and the defendant's "W's" are very similar to each other. In speaking of the letter "i," in the word "Wife," he says: "No man on earth could tell who made that 'i,' it is so wholly insignificant. There is only one way in which you can make an 'i.'"⁵ As to the "f's," he thinks there is possibly a more characteristic element in them, but he says: "The plaintiff makes so many kinds of 'f's' that all characteristics fall to the ground, and are of no help to anybody to determine anything with reference to that word 'Wife.'" If his testimony has any meaning at all, it is this: He has expressed an opinion, because he finds no erasures, that the word "Wife" is in the genuine handwriting of the defendant; but the handwriting of the plaintiff is, to his thinking, so thoroughly capable of forming the same letters, and she does form them in a mode so closely similar to that adopted by the defendant, that she could readily do this work upon the letters, and that either of them could write the word, and here is the most curious *non sequitur* of the whole thing. "Hence, as letters produced by her, which the defendant denies writing, are confessedly of such a character that it is quite possible for her to manufacture them, I conclude that defendant wrote them." This is a fair statement of the whole scope of Mr. Gumpel's testimony. He says again: "From an examination of the plaintiff's handwriting, I find she is capable of making the word 'Wife' in any way," and to this unfortunate concession, after seeing where it is to land him, he adds, "but I don't think it was ever done, in my opinion, because it is a very hard task to do." I saw your Honor look at him when he said this, because it had not been twenty minutes since he had stared your Honor in the face and said, "She is perfectly capable of writing the word 'Wife.' She is just as able as many others, and it is not such a hard job to do." What is anybody to make of such testimony? Another illustration of Mr. Gumpel's rickety methods of reasoning, may be found in his testimony with respect to Exhibit Thirteen, an exhibit to which I allude very briefly, as I have already discussed it. Mr. Gumpel says that Exhibit Thirteen is unquestionably in the handwriting of the defendant; that

he has given it a most careful examination, and that there is not the slightest evidence of that exhibit's being a tracing of anybody's handwriting, and that "it contains all the characteristics of Mr. Sharon's handwriting always running through it." The question was not whether the paper did or did not present some of the characteristics of Mr. Sharon's handwriting. Any tracing will do that. Any tracing will closely resemble the document from which it is traced, so long as the original is missing, and your Honor has seen that result produced by Mr. Hyde in his three tracings of Exhibit Thirty-eight. Mr. Gumpel is equally confused in his testimony in relation to tracing. He describes how a tracing can be made, but says, "I would have to try it twenty times; the party has got to go line for line."

This simply shows that to make a good tracing is only a matter of practice; simply shows that if a first tracing is poor and defective, the second may be less so, and so on, and that after a little practice a good imitation can be obtained. Mr. Tyler has argued this branch of the case as though Mr. Hyde had testified that a tracing could be made which could not be distinguished from the original, which was by no means what Mr. Hyde asserted. What he did say was, that with practice one could make a tracing which it would be difficult to distinguish from an original, provided such original was not at hand for comparison. It could be made to possess so many of the general characteristics of the original writing, that where the original is wanting it might, until carefully examined, have a tendency to deceive. This is a very different proposition from the one put by Mr. Tyler into Mr. Hyde's mouth, and then answered in his own way. I insist that the whole of Mr. Gumpel's testimony is obscure and unnaturally ambiguous, as where he speaks of the possibility of firm strokes in a tracing being made by mere accident, saying: "Supposing I did not see the original of a tracing, or if I had no original, I could not judge it was a tracing because of any one stroke." If his testimony on this subject has any result, it amounts to this: The maker of a tracing may employ some discretion in finishing lines, and is not necessarily bound slavishly to follow the

exact character of the original ; he may adopt considerable deviations from it, and yet retain the general character of the original handwriting. Even on this theory it is easy to see that the plaintiff, desiring to accomplish such a result, might effect a satisfactory imitation of an original ; and if the tracer makes a generally fair copy, he need not, in the absence of the original, be uneasy because he has not taken especial care of any one particular point in the writing.

Your Honor has had Exhibit Thirteen under the microscope, and I am willing to leave Mr. Gumpel's testimony with the comment that he either will not, or cannot see what your Honor, Mr. Hyde, Mr. Hickox and myself have seen in Exhibit Thirteen when under the microscope ; what all of the plaintiff's counsel saw, and from which sight they walked away, as I respectfully submit, not merely astounded, but speechless ! Mr. Gumpel can see nothing in this clumsy fraud but an indication of some " tremor which is not very steady in a portion of the word 'it.'" He can find nothing peculiar in any other portion of this letter. He finds nothing peculiar in the commencement of the "c's," in the joining of the letters of the word "fight," and in numerous other words through the document ; he finds nothing in the utter want of resemblance of the writing on the second page to that on the first ; in the evident blunder in the spelling of the word "Sharon," in the signature : in the failure of the writer to conform to the ruling on the first page ; in the absence of the date ; in the treatment of the paper ; in its wetting ; its scorching ; its having been pressed so that the ink has passed through the very substance of the paper ; and in that peculiar and unmistakable appearance in every part of the document of intentional blurring, which is wanting in Exhibit Thirty-eight, and which is a signal proof in Exhibit Thirteen of manipulation, the intent of which was to destroy the evidences of tracing.

I have known Mr. Gumpel many years, and he has my fullest and most entire sympathy. I do not desire to accuse him, as the plaintiff's counsel have accused experts who have not testified in accordance with their views, of evil conduct, nor

of having been bought by present payment or by future promises. I do not, and I would not if I could, impeach his integrity. He has done the best he can to enable your Honor to come to an ultimate understanding of the facts. He has my earnest and tender sympathy as an old friend ; for I mourn with him his fast approaching blindness, and the absolute destruction of his mental fibre.

On Saturday the second of April, quite a large party of transient visitors at the Palace Hotel went to Belmont. It consisted of the Staggs, Reigarts, Mr. Vanderbilt of New York, and a number of his friends, the plaintiff, then known as Miss Hill, and her brother, Morgan Hill. They left by the four o'clock train, and your Honor will notice that neither on this visit to Belmont, nor on any other occasion, did Mr. Sharon take Miss Hill to Belmont with him. She always went as Miss Hill ; as a guest ; as a respectable woman ; behaving herself respectably ; occupying rooms with other ladies, and at other times when she went to Belmont with strangers whose temporary acquaintance she had formed, Mr. Sharon was not of the party. He had her at Belmont for no evil purpose. Whatever impropriety there was in their relations, he never polluted the hearthstone of that mansion. It was in truth a sort of caravansary for the entertainment of strangers. It was not his home, but rather a place of general entertainment ; and for him as for her, it was a place where there was no "lascivious caperings." While with this Vanderbilt party, Mrs. Reigart, who has made such a figure in this case, formed the acquaintance of Miss Hill. The latter endeavors to make much of these excursions, saying that Mr. Sharon sent her there to entertain his guests, but we are not yet informed what she did for their entertainment. Mr. Sharon said that he allowed her to go there to be entertained like any other person ; and Miss Fry testifies that Miss Hill came and was treated like any other guest, and behaved as such. This party remained over Sunday, and returned to San Francisco on Monday, the fourth of April.

Much has been said of Miss Hill's capacity, or the

want of it, to form sudden and violent intimacies; and Mr. Tyler has repeatedly asked if it were possible that Miss Hill could have become engaged to Mr. Burchard (as beyond question she did) upon such an acquaintance as they had? The truth is, the girl had lost her hold upon society. She apparently had no acquaintances, as far as we know, except two or three old-time friends like Mrs. Hardenberg and Mrs. Morgan; and she had come to a period of such social decadence that her usual associates were Mammy Pleasance, Mary Mangel, Vesta Snow, Martha Wilson and Sarah Millett! This bud of Missouri aristocracy had blossomed, and in her fullest flower lay in the laps of negroes and servants, some of them respectable enough in their way, but composing a social grade of which we should hardly expect this descendant of a long line of kings from Cape Girardeau, in the State of Missouri to become a member. Her lonely heart was reaching out for somebody or something. She met these strangers at Belmont, and after one day's acquaintance she fastened upon the Reigarts with a grip like death. It is astonishing to see how upon a chance introduction to transient visitors from Detroit, she cultivated an intimacy that sprung like Jonah's gourd to its full height in a night, and apparently absorbed her attention for months. She took them at once into her confidence. During the months of April, May and June she was with them morning, noon and night. She told Mr. and Mrs. Reigart that the old gentleman wanted to marry her; that she had not made up her mind whether she would take him or not, and if she did, it would be in the fall, and she would send them cards! She denies she ever told them so, but that she did is manifest from the correspondence between them. The letter of Mr. Reigart to the plaintiff of the twenty-ninth of May, 1883, was written before she had made the acquaintance of Mr. Neilson, and before this war-cloud was even as large as a man's hand. There was then no motive on the part of either herself or the Reigarts to misrepresent. In the face of her denial of any such conversation, she produced, herself, a letter from the Reigarts which she had all the time in her possession, and

which flatly contradicted her. This letter, dated the twenty-ninth of May, 1883, was in answer to her letter of the twentieth of May (defendant's Exhibit No. Ten) which last I will now read, though out of its order, in illustration of this testimony :

“ Sunday, May 20th, 1883.

My very dear Mrs. Reigart:—

It is hardly necessary to say I was glad to receive your letter, for I am always delighted. Just you wait until I have a nice, great, big house of my own and I shall have you all come and make a long visit, and no one shall be more welcome to my home than your own true little self. The weather here is truly very warm for some days, and to-day is quite scorching. I am dressed in a white bunting. I see by the papers that Mr. Strong has resigned his place in the railroad. What is the matter? Is it his health? *I suppose you see Alex. Sharon has been very ill, and has had to give up the Palace. I hear it is a very bad case of paralyzed. Mr. Sedgwick has taken his place. Smith still parades in all his glory. Senator's health is not very good, and the entire set are working dead against me. I don't think really the old man knows half the time just what he is about. He ought to have Mr. Reigart out here to straighten him out.* Do you all ever go to Providence, Rhode I.? I have a cousin that is just married and gone there to live. She is a very beautiful woman—now Mrs. Wesley Block. Dr. Bradford (do you remember him?) has been here and just gone on a long trip to Europe. I hope the wind I hear that is going the rounds East will not visit you all. How is Ludie? Kiss her and love her for me. *Did you ever have your fortune told? I am going to-morrow to have mine told—to a woman they say is very wonderful; but I have not much faith in such things.* I hope you are all well, and with very much love to each and every one. Remember me to Mr. R. I am always

Very Truly Your True Friend

S. ALLIE HILL,

535 Market St.

Care E. H. Jones & Co.,
San Francisco, Cal.”

The Reigarts evidently understood from that letter that she was in a despondent condition as to marrying the Senator, because the “whole set” were “working dead against” her, and the

"old man" did not know half the time what he was about ! In reply to this letter Mr. Reigart writes under date of the twenty-ninth of May, 1883, as follows : * * *

"We are sorry to learn of Alex. Sharon's disability, but hope it will not prove fatal. What will become of the young and unsophisticated widow under such sad state of affairs ? *You do not want to give up the Senator at all. Stick to him and let the family howl. Your time will come. Punch him up a trifle, so you can get that new house you speak of. We will come to see you for a fact. I only wish I had charge of him and his affairs; would run the entire machine in your interest. The simple truth is that you ought to marry the genial Senator, that his days may be long and so forth. He would be a real solid comfort to you. Fact, and no mistake. Name the day and we will telegraph our blessings.* * * *

"Hope you are enjoying yourself immensely. I found out for myself for a certainty that it does not pay in any particular to get blue. Meet matters as they come, and dispose of them as you best can. Life is too short to worry much. A hundred years or less from now we will all be in Heaven (I trust). *So just turn your attention to bringing that agreeable Senator to time at once. We all want a glorious holiday, and I know no better way to enjoy one than by making the welkin ring over the nuptials of the Senator and yourself.*"

After such a contemporaneous record of their views of her relation to the defendant, this unfortunate creature will persist in swearing that the Reigarts both knew in 1881 that she was secretly married to Senator Sharon, and details a conversation between Mr. Sharon and Mrs. Reigart which contains his explicit admission that she was then his wife, a conversation which Mrs. Reigart says never occurred, and which never had any existence except in the brain of the plaintiff. With a confidence, born of her success with Nellie Brackett, Rodney, Vesta Snow and Martha Wilson, that anybody could be made to tell anything, she undertakes, with an adroitness worthy of the devil himself, to induce Mrs. Reigart to sustain her false and perjured story ; and also writes to Mr. Reigart that "some one" here has told her that Mr. Reigart had a conversation with Mr. Sharon about his relations with her, and that Mr. Reigart had said after that conversation he was satisfied Miss

Hill had a right to both Mr. Sharon's carriage and his rooms ! When Judge Evans drove her from one evasion to another, her final refuge was that one of her counsel had suggested that story to her ! He had suggested to her that if Mr. Reigart would manufacture testimony, it would be of the utmost importance ; just as when he told Wells and True that theirs was testimony of the utmost importance ; and she says he put this story into her poor brain and she tempted this man and his wife to commit perjury for her ; though the correspondence in her possession showed that during the whole spring of 1881 she had been telling them, not that she was married to Mr. Sharon, but that she was debating the proposition ! There is nothing that shows a corrupt and evil intelligence so plainly as her correspondence with Mr. and Mrs. Reigart after September, 1883. Not even the interviews that took place between this woman, True, Wells and Tyler give stronger evidence of a nature thoroughly demoralized and abandoned.

Let me read, also, Mr. Reigart's letter to the plaintiff, of the twentieth of June, 1883 :

“ Dear Miss Hill—

Your letter is received. Mrs. Reigart has been so much occupied of late, so it has fallen to me to attend to her correspondence, so here goes for another infliction—Mr. Strong is here now in good health, looking very well, indeed—his doctor brother died this morning from sickness contracted while in San Francisco last spring. They were very much attached to each other, and I am afraid his death will be taken much to heart by the General. We are all in our usual health at home. We have not had any warm weather at all this season, and it scarcely seems like summer, but the town has had its cyclone. We escaped entirely, being out of its track. The damage, seventy-five thousand dollars, will make good, and as only one life was lost, it might have been much worse, so, on the whole, the place is to be congratulated. We notice by the *Chronicle* that your brother is having some trouble ; we are very sorry, and he has our entire sympathy, for we feel certain that he is in the right. *We do wish you would close that business with the agreeable Senator as soon as possible. De-*

lays are nearly always dangerous. All the family send love
Excuse this short note ; next time will do better.

Yours truly,

J. R. REIGART,

(For the Madam.)”

That letter is entirely in harmony with his testimony—that she had been representing to them that Mr. Sharon desired to marry her, and that there was some sort of understanding between them, which might not culminate until the fall. Bear in mind that Miss Hill knew perfectly well that Mr. Sharon had never mentioned her name to either of them, in any domestic relation : bear in mind that she knew perfectly well that she had told them—as she had told the Staggs and others—that there was some sort of engagement which might result in marriage late in the Fall, and she would send them cards ; and then you will appreciate the moral idiocy which permitted her to address to the Reigarts on the fifth of October, 1883, the following letter :

“OCTOBER 5th, 1883.

My dear Mr. and Mrs. Reigart—

How shall I ever love you enough, or thank you enough for all the kindness and encouraging letters you have written me. Indeed, it is more than heavenly to feel one has such friends as you are to me. A woman's honor is everything, but my husband seems to think that his money can stamp it out of existence. I have been sending you the papers to keep you posted, and will continue to do so. I sent you a dispatch that I would need you. Hope you received it. Mr. Neilson, the gentleman who has my case, said or asked me if he might write to you. I told him certainly. I have many, many friends now that I never knew or counted friends, but some of the first ladies of this city have come forward and tell me if Mr. Sharon should, with his money defeat me, they will never again think ill of me, and I will be as welcome to their house and table then as I was before. I met Mr. Sharon, but of course I don't count on a defeat, and with you and your dear wife there will be no such thing. When this is all over, you can simply depend upon it that I will not only be your friend, but I will be Mrs. Reigart's sister in *every sense of the word sister*. I want you all to love me, and in thinking of me, believe me. My gratitude for your assurance

of friendship is unexpressible. It simply remains to be shown by both deeds and acts hereafter. Do you know where Col. Stagg is, and do you think he would prove a woman's friend ? My great love to you all, and believe me that in my tears my thoughts turn to you for your great, powerful, good, kind letters. Bless your dear hearts, can I ever repay you in any way for such assurance of friendship ! May God bless you and your children forever for proving a woman's friend.

Yours always,

MRS. WILLIAM SHARON,

(*nee* Allie Hill.)

I guess for a while you had better direct my letters to Miss Allie Hill, for fear in some way of their being miscarried."

Your Honor will bear in mind that defendant's Exhibit Fifteen, under date of the twenty-fifth of September, 1883, was written after the news of the arrest of Mr. Sharon and what followed it had reached the Reigarts ; that her statement had already gone forward with reference to this secret marriage, and they had sent her letters expressing the warmest interest in her case. I now read it :

"September 25th, 1883.

My dear Mr. and Mrs. Reigart :

Your very kind letter came to-day. I send you clipping from our papers some days ago. I assure you from my heart I appreciate your friendship, and shall to my death's day. You all have and always will have my heart and best love. *When I first met you I was already then most a year Mrs. Sharon. I was dyeing myself to confess all to you, but under a promise I could not.* Mr. Sharon said enough to Mrs. Reigart on the day we went to the race course with him for a shooting, to fully give her to understand that I was his wife, and I fully appreciate her delicacy in not further questioning my relations to him. Some months after you left, my husband was taken very ill——"

I leave, for the moment, this letter, asking your Honor to observe that she makes the statement that she was "dyeing" all the time they were here to tell them of her secret marriage, and then suggests an occasion when Mr. Sharon himself, in the presence of herself and Mrs. Reigart, had made the very disclosure she was "dyeing" to make and could not ! Mr. Tyler has considered the story of the Burchard engagement unlikely ;

because, he says, no sensible woman would form attachments so hastily. Look now and see her capacity for sudden intimacy ! Miss Hill on the second of April went to Belmont with a party in which were two ladies she had never seen before, and about whose antecedents she knew nothing except that they were guests at the Palace Hotel. She followed up the acquaintance in the following style: Monday, the fourth of April, the party returned from Belmont to San Francisco; the sixth of April Miss Hill calls on Mrs. Stagg and leaves her card; the seventh of April Mrs. Stagg and Mrs. Reigart call on Miss Hill; the eighth of April Miss Hill calls on Mrs. Stagg and a trade is made for some duplicate laces Mrs. Stagg had bought in Paris and did not require. On the next day she visits Mrs. Stagg to show a bonnet which Mr. Burrell had given her, and it was at this stage of their intimacy that Miss Hill said to Mrs. Reigart and her husband that Mr. Sharon wanted to marry her on account of her gentle blood. She did not say she had decided to marry him, but said she was considering the matter; that he would give his wife only two hundred and fifty thousand dollars, which she did not think sufficient; that he admired her very much, and thought her very beautiful. On the twelfth of April she was again with the Staggs; and in the evening Mrs. Stagg and Mrs. Reigart called on her. On the thirteenth of April she called on Mrs. Stagg. The fifteenth of April Mrs. Stagg and husband dined with the Reigarts and Miss Hill at the Palace. The sixteenth of April Mr. and Mrs. Reigart and Mr. and Mrs. Stagg were at Miss Hill's rooms in the evening. The eighteenth of April Mrs. Stagg went shopping with Miss Hill, and they were constantly together after this time, but dates cannot be fixed. Mr. Sharon called once during this month, with Miss Hill, upon Mrs. Stagg.

On the nineteenth of April Miss Hill told Mr. and Mrs. Stagg that Senator Sharon wanted to marry her; that she thought he was too old; that if she did marry him it would be in the following October, and that she would send them cards. She spoke of other suitors. This sudden friendship and intimacy

grew to these dimensions, yet, curiously enough, during the whole of their acquaintance she had no local friends or associates. Not a single lady living in San Francisco did these new acquaintances ever meet at her residence, and they formed, through her, no local social connections. It is a most significant circumstance !

On the twenty-second of April Mr. Fred Burchard came to San Francisco. On Sunday, the twenty-fourth of April Mr. and Mrs. Stagg met Mr. Burchard for the first time, and on the evening of Monday the twenty-fifth, Mr. Burchard made Miss Hill's acquaintance in the corridor of the sixth floor of the Palace Hotel. He was introduced by Mrs. Reigart. Miss Hill said she had heard very pleasant things of him and they walked off together. Mrs. Reigart says that Miss Hill wanted to know that night all about Mr. Burchard, and asked her repeatedly about him and his family ; and we claim that at this point commenced those confidential relations between the plaintiff and Burchard which are wholly and utterly inconsistent with any pretense of hers that she was then the wife of Mr. Sharon. Whatever may be said about Mr. Burchard as an adventurer or otherwise, for the purpose of discrediting his testimony, it is certain that by some curious fatuity and aided by the intelligence of Judge George W. Tyler, Miss Hill has constructed a trap for herself, walked into it, closed its door behind her, locked it, and thrown away the key ! They might, perhaps, have left Mr. Burchard's testimony in some doubt, because there were inconsistencies in it ; failures to recollect dates ; and incidents about which Mr. Burchard, in his deposition, was not as circumstantial as he would have been if he had been here, and had not been bullied and outraged by the manner, tone and voice of his cross-examiner, in a way your Honor has never seen paralleled, and I hope never will ; of which sufficient is betrayed upon the face of this deposition to show you how Mr. Tyler was able to bully and intimidate a man of Mr. Burchard's nervous sensibility. Let us follow this episode with care, considering the facts in evidence together with the correspondence between Mr. Burchard and Miss Hill, which she herself has

produced, and which is in itself the most conclusive testimony against her pretenses that could by any possibility have been adduced. By that same fatuity which characterizes her, she herself has furnished the strongest testimony against herself, as must always be the case, where one undertakes to uphold an historical lie and produces contemporaneous facts in its support. She had contracted in less than thirty days an intimacy that may be truly considered amazing with Mrs. Stagg and Mrs. Reigart and their respective husbands. She had taken hold of them with all that unremitting energy with which she recklessly pursues her object, worthy or unworthy. Her efforts to take Mr. Burchard into her lover's camp signally illustrate this idiosyncrasy. She spent the evening of the twenty-fifth of April in the Palace Hotel, promenading with Mr. Burchard; made an appointment with him, and accordingly on the following day Mr. Burchard went to her room about eleven o'clock, intending to take her out driving or riding. She did not wish to ride, and so they spent the day together, in her room, until after five o'clock; and then Mr. and Mrs. Stagg dined with Mr. Burchard and Miss Hill and passed the evening with them. So that from eleven o'clock in the morning of the day after she first met Mr. Burchard, and until late in the evening, she was either alone with him, or with him in company with Mr. and Mrs. Stagg. The next day, the twenty-seventh, she solicited an invitation from Mr. Sharon for the Staggs, Burchard and herself to Belmont on the twenty-ninth. Mr. Burchard spent the twenty-seventh with her. They came out to view the majestic ruin in which this trial is taking place! They visited the store of E. H. Jones & Co., and in the evening attended the theatre together. On the twenty-eighth Mr. Burchard spent some hours with her, during which she explained her relations to Mr. Sharon, and told him Mr. Sharon was a good friend to her and nothing more; told him that Fred Sharon had been in love with her, and boasted of her capacity to take Dr. Bradford captive whenever she desired. On this day Mr. Burchard met Mr. Sharon for the first time since the twenty-fifth of April; he called at Miss Hill's rooms

and found him there. Mr. Sharon's manner was friendly and kindly to both of them. He went away after a few minutes general conversation and left Mr. Burchard in possession of the field. On Friday, the twenty-ninth, Mr. and Mrs. Stagg, Mr. Burchard and Miss Hill went together to Belmont, where they remained until the following Thursday. It was just this time that Mr. Wells and Mr. True appointed for their historical falsehood ! It was the very last of April or the first of May that Miss Hill swears she was with Mr. Sharon on Sutter street, walking arm in arm, and met two men, to one of whom Mr. Sharon introduced her as his wife, while the other passed by ; in short, she repeated the tale invented by True and Wells ; and by that same fatuity which always attends upon liars, True, Wells and herself fixed the time of their introduction to her as Mr. Sharon's wife at the very hour when she was, in fact, in full cry after little Burchard ; when she was with him every day on the streets, and was at Belmont with him, where this engagement took place. If we had been forced to analyze the stories of Wells and True, if they had both testified, and she had supported them by her oath, they would all have been convicted by unquestioned and historical facts, of absolute, deliberate and willful perjury ! It is by such associations of facts like these, that I am enabled again to say it is impossible, in the nature of things, for any human being to maintain an historical lie. On every day of the week during which Wells said he met her with Mr. Sharon on the street, she was, in fact, with Mr. and Mrs. Stagg and Mr. Burchard, either in San Francisco or at Belmont, at the latter of which places she made nearly a week's visit !

(An adjournment is here taken until ten o'clock to-morrow morning.)

Mr. Burnes—(resuming.)

In the chronological order of events, it is now necessary to consider the incident of Miss Hill's subornation of Wells and True, and review the deposition of True taken upon his death-bed, the confession of Wells upon his re-examination, and that voluntarily made by George W. Tyler.

In *Moriarty and Wife vs. The London, Chatham & Dover Railway Co.* (5 Queen's Bench Law Report for 1869-70, p. 314) Lord Chief Justice Cockburn deals with the subject of the subornation or fabrication of testimony, under which head the discussion of this incident of Wells and True properly falls. He uses the following language: "The conduct of a party to a cause may be of the highest importance in determining whether the cause of action in which he is plaintiff, or the ground of defense if he is defendant, is honest and just. * * *

* * * * * If you can show that a plaintiff has been suborning false testimony and has endeavored to have recourse to perjury, it is strong evidence that he knew perfectly well his cause was an unrighteous one. * * * It is always evidence which ought to be submitted to the consideration of the tribunal which has to judge of the facts."

I therefore call attention to this most shocking and painful exposure in the matter of H. M. True and Harry Louisdor Wells, the plaintiff and Mr. Tyler, not because their testimony is evidence which your Honor will consider, but because it uncontestedly demonstrates two propositions: First—that Mr. Tyler's view of the law at the time he was engaged in preparing this case for trial was precisely that on which we are now insisting; a view of the law which follows the pleadings, and is in line also with the provisions of the Civil Code, to which reference has been so frequently made; and second—that the plaintiff knew her cause to be unrighteous.

The complaint alleges that on the twenty-fifth of August, 1880, the plaintiff and defendant became, by mutual agreement, husband and wife, and thereafter commenced living and cohabiting as husband and wife. I need not say that the pleading was prepared precisely in accordance with what I have respect enough for Mr. Tyler's opinion as a lawyer to know

he would adopt. He, of course, saw that this marriage contract was, in view of the statute, and in view of his pleadings *felo de se*—in other words, it consented to a marriage and solemnly contracted for the suppression of that publicity which the law contemplated and declared should be given. It is as clearly violative of the law as it would be to contract in writing for a sale of personal property, and in the contract itself, expressly stipulate that the fact of sale should not be made public, and that the vendor should remain in possession of the property. It is an express contract that the provisions of Section fifty-five of the Civil Code shall be nullified, and it has always been in this view that my learned associate and myself have insisted that if this instrument were a genuine document, it must, upon a just construction of the law, disappear from the case.

As I said yesterday, it is my firm belief that if Mr. Tyler, and not Mr. Neilson, had made the opening move in this contest, the alleged marriage contract would never have seen the light of day.

But before Mr. Tyler went into partnership with Mr. Neilson in this nefarious operation, it had crystallized ; and when other learned gentlemen came into the case, they saw the position in which they were placed, and, to use the language of Mr. Tyler in respect to something he thought he observed on our side, they “ undertook to swap horses in the middle of the stream ;” and while presenting to your Honor as valid, a contract which provided that there should be no disclosure of the fact of the marriage, of the existence of the paper, or of its contents, they claim that the party apparently most interested in keeping it secret, was babbling it wherever he got an opportunity ; that this document, though utterly ineffective as a declaration made pursuant to Section seventy-five, is a good marriage contract *per se* ; and while they deny, as a matter of law, that cohabitation and the discharge of marital and domestic duties and obligations necessarily follow, they attempt to find and introduce evidence of that very assumption of “ marital rights, duties, or obligations,” the necessity for whose existence and per-

formance they so boldly and obstinately deny. This testimony, then, becomes important as illustrating their view of the necessities of the case, and as showing the willingness of the plaintiff, at least, to resort to false testimony in order to make good her cause.

What it shows with reference to Mr. Tyler, I shall leave to his own confession. Mr. Tyler says, "I am not generally counted a fool." I quote his own language, and I suppose it is proper for me to do so. This is one of the few propositions he has advanced which has received my hearty concurrence. I have never heard him enumerated in the category of those who are *non compotes mentis*; but when we complete the examination of this bantling of his mind, and see how clumsy, hideous and deformed it is, Mr. Tyler will be compelled to withdraw his self-complimentary observation, and take his place among those who do lack that ordinary sense and intelligence which entitle them to go abroad without protection. Mr. Tyler's narration of the part he played in this criminal subornation of perjury is exceedingly astonishing. He says that True called upon him in January and informed him that he, True, could find him two witnesses to whom Mr. Sharon introduced this lady as his wife, and that these witnesses had seen and recognized the plaintiff as being the one. I call your Honor's attention to this statement: "Had seen and recognized the plaintiff as being the one." Mr. Tyler, naturally, desired to see these gentlemen, and urged True to bring them to his office. True departed; returned next day and then said, "Mr. Tyler, I am one of those men." Mr. Tyler says he looked at him for a moment, and then remarked, "Why didn't you tell me that the other day? I don't think that is exactly fair." He said to your Honor, "I really did not like the way he had done." Still Mr. Tyler listened to his statement, and after it was over, said, "Well, Mr. True, I don't like your story; I don't believe all your words. You do not talk to me like a man who is exactly truthful, and you will have to get pretty strong corroboration to make me believe your statement is true," and then—he gave him twenty dollars! True returned to Mr. Tyler

many times, but Mr. Tyler declares that he refused to have any further conversation with him until Wells should come and prove to be "pretty strong corroboration." Before Wells came, True said to Mr. Tyler, "I have seen the plaintiff and I am satisfied she is the one, but I desire to see whether I can recognize her as being the person." Mr. Tyler replied, "Very well; I will send for her." What did Mr. Tyler mean by swearing that the first time he saw True, True told him that he and Wells had both of them already seen and recognized the plaintiff as "the one," when in the next breath he says, "True told me 'I desire to see her and see whether I can recognize her as being the person?'" Mr. Tyler, however, made an appointment for the plaintiff and True to meet. She went to Mr. Tyler's office, and all three of them were there together, at the same time—the plaintiff hidden away in one room, and Mr. Tyler and True in another. There was no attempt to bring the lady and True together for the purpose of recognition; but the shameless confession is made that it was deliberately arranged that the latter and Miss Hill should meet elsewhere. Mr. Tyler actually testified as follows: "True said, 'if you should take me into the room, and introduce me to her there, why, they would say I recognized her without any difficulty. I want to see her upon the street, going the same way as we were at the time, and see if I can recognize her, and if I do recognize her as being the one, I will speak to her; and if I do not, I won't say anything to her.'" Mr. Tyler rather objected to this scene in the play; said he "could see no necessity of it." He "really did not like it." But still, as Mr. True was obstinate, and Mr. Tyler was of notoriously yielding and gentle temper, and could make no particular objection, he finally agreed that if True would parade himself on the south side of Pine street, between Sansome and Battery, he (Judge Tyler) would take the plaintiff from his law office to Pine street, and show her to True in order that she might be recognized by him! In other words, Mr. Tyler acquiesced in the arrangement by which True was to be forewarned against cross-examination on the subject of his later recognition, and qualified to say that he had met her on the street and recog-

nized her there, and not in Tyler's office: a plot which disgraced everybody connected with it. Mr. Tyler says, "I asked her to walk down on the south side of the street to meet a gentleman who wanted to see if he could recognize her. She and Miss Brackett did go down; I watched them go down. I saw him with them, and I returned to my office. Then they came in together, and he stated he had recognized her the moment he saw her on the street." Mr. Tyler deliberately makes this statement, though knowing that it was a pre-arranged plan that he should take this woman down on Pine street, point her out to the man who was to recognize her, and then that they should go through that form of recognition and return to him. I ask your Honor when before was such a professional lamb led to the slaughter of subornation as this specimen of legal innocence? He relates with sobs in his voice, that he would not talk again with True until he had seen Wells; but that these worthies came together to his office, and that he then turned upon True, and said, "Have you had any conversation with this young man with regard to what he came here for?" And Mr. True says, "Oh, no! oh, no! not a word!" And Mr. Tyler says, "You haven't talked with him at all about this matter?" And Mr. True says, "Oh, no." Wells said the same and they sat down. Soon, at Mr. Tyler's request, True left the room. Mr. Tyler says: "I sat down and questioned Wells fully in regard to this: whether he knew Mr. True; how long he had known him; and where he was in 1880 and 1881, and examined and cross-examined him just the same as I would a witness." Wells swears that Mr. Tyler, before asking him any question, read to him in detail all the statement he had previously received and written out in full from Mr. True's lips, and then asked him the general question as to whether that statement was true or not. Even with such a mockery of examination, he finds a discrepancy in the statements of these men, which, of itself, should have induced him to reject them, even if other circumstances did not. Mr. True had stated they were going one way, and Wells said they were going the other. True confesses that he went to Mr. Tyler's office, and told Mr. Tyler that he wished to be introduced to the plaintiff, and that he could get evidence that would be ma-

terial for her, and Tyler consented to make arrangements whereby True should see her and be introduced to her. True testifies: "I told him that I thought I could prove that Mr. Sharon had introduced her as his wife to two persons whose names I did not disclose. He made arrangements for me to become acquainted with Miss Hill, and on the second interview I told him I was one of the persons. I did not tell him there was any other person who knew anything about it, except that another person heard the introduction, and I mentioned Wells." He adds that when he became acquainted with the plaintiff, he had a conversation with her about the affair, and they made up the arrangement that she should lead off in swearing to her introduction to him by Mr. Sharon, as his wife, and, he says, "I expected her to swear first, of course. She said she would testify to the fact that she was introduced to me by Mr. Sharon, and she wanted me to testify to it, and she said she would never forget me as long as she lived; and Wells was there, and the thing was made up. I told her if she would swear to it, I would." This conversation took place between True, Wells and the plaintiff. With reference to the interview on Pine street, True says: "I went directly from Judge Tyler's office to Pine street; he told me to go down Pine street as far as Battery, and walk down slow, and then pass across the street on Pine, and come back on the other side, and walk slow, and that he would come out with Miss Hill. She was in the back room then, and he would bring her and point her out to me, and when she met me she would accost me as Mr. True, and for me to recognize her as Mrs. Sharon. I saw him come out with her and that little lady, Miss Brackett. He came down with them near enough to point them out; then he turned round, and went back to his office. I walked slowly and met her, and she accosted me and spoke to me as Mr. True, and wished to know if I recollected the circumstance of being introduced, etc. I told her I did not recollect particularly: I thought there was something in it, and I would talk it over, and she asked me to come up to Mr. Tyler's office. She went towards Mr. Tyler's office, and I followed her up there. When they walked down toward me, Judge Tyler walked within half a block, near enough so that he could point me out; I saw him do it, just as he told me he would do it. She spoke to me first: called me 'Mr. True,' asked if I recollected being introduced to her, and then she wanted me to come up to Mr. Tyler's office." 14

Whatever may be said of this wretched old man, the statement was that of one who lay upon his death-bed. My associate remarked to your Honor that he wished you could have seen him ; and I can but echo the wish, for it was one of the most mournful and impressive sights upon which my eyes ever rested. An old man, white-haired, destitute, propped up in his rickety bed, in the death agony, with a doctor on one side holding his pulse, and from time to time giving him stimulants ; on the other, the lawyers and the reporters who were taking his deposition. There he lay, striving from time to time to repress his emotions, struggling against dissolution and gasping for breath, while the tears chased one another in swift succession down his withered cheeks. He said : " My object is now to tell the truth, and if I am injured by it, I must be injured by it. I don't propose now to go to the grave with a lie on my lips. Miss Hill, Wells and myself made up this story and got it into shape, and after it was arranged, Judge Tyler was told all about it. The whole operation of Miss Hill, the young man and myself was a put-up job, and I think Judge Tyler knew all about it, as well as we did. I think so from the conversation that took place in his office when he told me that there would be enough in it to make twenty men rich."

Wells says that on the occasion of his visit to Mr. Tyler's office, Mr. Tyler invited Mr. True to step out in the corridor, and leave him alone with Wells. He says Mr. True was very angry and left the room. When he had gone out, or as he was going out, Mr. Tyler followed True to the door, and closed the door after him, and said, " Mr. Wells, I am very glad to have met you ; I want to talk to you on this matter very seriously. This man True I am not very well acquainted with, but he has come to me and made a statement, and tells me you will corroborate that statement. Now I will tell you what he said. I have some doubts about this man True. He does not impress me very strongly as being a man of veracity, and I am going to read over to you what he has told me, his statement here, and I want to know how much of that you will corroborate, and what you will say."

That is most certainly a novel way of examining and cross-examining a witness for the purpose of finding out whether he can truthfully corroborate a doubtful story. Mr. Tyler is en-

titled to a patent for this discovery, though I hope, for the honor of the profession, no lawyer will ever attempt to infringe upon it. Mr. Tyler swears that he separated True and Wells in order that Wells might have no opportunity of knowing what True had said. Mr. Tyler was particular to learn whether there had been any communication between them, and he swears that he cross-examined Wells. What sort of cross-examination was it, when, before proceeding to ask Wells a single question, he reads to him in detail and at length the statement which True had already made? "Mr. Tyler read to me what True had stated, and said, 'Mr. Wells, do you recollect ever being there on Sutter street?' I says, 'I do, Mr. Tyler.' 'Now,' he says, 'I don't want there to be any mistake about this,' he said, 'you and True want to be correct and square about this. You met Sharon, did you?' I said 'I did.' 'Very well,' he says 'would you recognize the man?' I said, 'I am certain I would.' He said, 'Have you ever seen him since?' I says, 'I have. I saw him one time passing between the Palace and the Grand, going to the Grand, when I was on New Montgomery street a year or two ago—since then, anyway—and a company of gentlemen, three or four, was standing there, and one of them remarked, 'The Senator is going over to the Grand,' or 'going over to Pete's;,' that my attention was called, and I recognized the man then as the man I had seen with True.' 'Now,' he says, 'do you think you could recognize the lady?' 'I says, 'I'm sure I don't know; I don't know whether I would or not. I don't believe I took any particular notice of the lady at all.' 'Well,' he says, 'I would like for you to recognize the lady if you could,' and he says, 'now I will call her down here; I want you to see her and see if you can recognize this as the lady that you saw with Senator Sharon at the time you were with True walking on Sutter street.' He steps to the telephone and had some conversation there. The result was that he told me that I and Mr. True might call at one o'clock or half-past one, and that Mrs. Sharon would be in his office about that time and that I might see her, and if I recognized her as the lady, he wanted me to say so. If I did not, it did not matter. He, wanted to know whether I could recognize the lady as Mrs. Sharon or not." Mr. Wells then took his leave of Mr. Tyler, and finding True in the hall, went out and talked the matter over with him. In the afternoon Wells returned.

I do not think it advisable to read Wells' account of his sub-

sequent conversation with True, as it is somewhat in the line of hearsay testimony, and it might not be just to Mr. Tyler to dwell upon it. I therefore pass it.

After their second interview, Mr. Tyler says: "Now, we will talk a little on business, Mr. Wells. I want you to state whether you recognize this lady as the lady you saw with Senator Sharon on Sutter street, when you were with Mr. True that day.' I looked at her; I looked at Mr. True; Mr. True winked at me; I said, 'I believe I recognize the woman.' Mr. True spoke up immediately, as the words left my mouth, and said: 'You recognize me, don't you, Mrs. Sharon?' And she says: 'Very well; oh, yes, very well.' Mr. Tyler said: 'Well, gentlemen, this is very material evidence; this is very important evidence.' 'Now,' he says, 'Mr. Wells, do you think you could swear to that?' I said 'I guess so.' He said: 'Well, that to me is very important.' He had to go to the City Hall on business. He rose to go and True got up from his chair: as Mr. Tyler left the room, True followed him very closely, and I followed after them all. The plaintiff and Miss Nellie Brackett remained in the room."

The conversation then turned upon remuneration, and Mr. Tyler said: "We don't expect that you are going to give us testimony that is very valuable to us, and do it for nothing. We don't expect to borrow your time for nothing. You shall be well rewarded—amply rewarded—it is very competent evidence, what we expect of you, and you shall be. We shall settle with you well, or pay you well in case we win the case.' He says: 'I will give you to understand I will not make any special offer, as I don't want to do that.' I said, 'No, certainly not, as that question might be asked me, and I should have to state possibly what you had offered.' He says: 'You and Mr. True shall be placed beyond all want in this world in case I win this case, and you need have no fear about this matter at all; as far as that matter is concerned, let your mind rest easy thoroughly on the matter.' I believe that was about all that occurred at that time, and I left his office."

I hardly know how to characterize the testimony of this witness, Tyler. I dislike extremely to say what I think of it. To me it is a most painful reflection that a member of an honorable profession, whose ethics certainly are of the highest, which conducts men to the honest investigation of facts with a view of determining their truth; a member of a

profession that must exist, if it exists at all, upon the most delicate sense of personal honor, is compelled to take the stand and tell such a tale as he has told here. He says that from the first he did not believe True, and thought his story needed strong corroboration. And what was it? The lie of a wretched boy; a waiter in a restaurant; a hanger on of grooms at race tracks! A little perapetetic fraud, whose very appearance should have satisfied Mr. Tyler that William Sharon would no more have stopped in the street and spoken to him or True than he would have picked up and fondled a pair of tarantulas. He doubts him, believes him; doubts him and believes him; and I suppose in one of his paroxysms of belief he put Wells upon the stand. Mr. Tyler's wavering hesitancy has no parallel except in that of a German grocery-storekeeper, who was tried two or three years ago for uttering a counterfeit five-dollar note. It seems a chance customer who drove by on a wagon had imposed the note upon him, and that the German attempted to pass it away again, but it was refused. He went to Mr. Finnegass, the United States Treasury Secret Service officer, and showed him the bill, and Mr. Finnegass explained to him the difference between a good and a bad bill, and cautioned him against attempting to make any use of it. He asked Mr. Finnegass in what the crime of passing counterfeit money consisted? Mr. Finnegass told him that a man might innocently pass a counterfeit and not be responsible; but, knowing it to be a counterfeit, and then passing it, he would be held responsible to the law of the land. The man went away and circumstances soon led to his arrest. He was tried and convicted, and when called upon to say what reason he had why sentence should not be passed, he repeated his interview with Mr. Finnegass, and said: "I dakes dot pill home, and somedimes I dinks it vas pad. Some days I *knows* it vas pad; uder days I dinks it vas goot; other days I dinks it vas pad again; den I dinks it vas goot again. One of dese days ven I dinks it vas goot I pass him away."

But his excuse did not save him, and Mr. Tyler's fluctuating judgment upon the right and the wrong of this despicable job

cannot save him. But he is not on trial, just yet. This plaintiff, however, is to be tested by the rule laid down by Lord Chief Justice Cockburn. Your Honor is to inquire : Has this plaintiff deliberately attempted to enter into a corrupt agreement with these men to swear to what she must have known to be untrue, and which is confessed by both to be untrue ? From the consequence of which she has endeavored to escape by repeating, with a coolness simply amazing, the story of Wells and True ; putting it upon the shoulders of two persons not known to her, who have never been produced, and in my judgment never will be found. And, sir, right here is another illustration of the impossibility of maintaining an historic falsehood.

During the very time which Wells, True and the plaintiff fixed upon as the date of this transaction upon Sutter street, her movements, not only on that day, but also for the week preceding and the week following are known as clearly as though we had a complete diary of her actions. She had been, during the whole of the week, commencing on the twenty-fifth, with Burchard, the Staggs, and Mr. Reigart. They had been out shopping ; they had been to the New City Hall ; they had been to E. H. Jones & Co.'s warehouse ; they had been dining together : they had been to the theatre together ; on Thursday, the twenty-eighth of April, they were together all day ; and on Friday, the twenty-ninth, Mr. and Mrs. Stagg, Mr. Burchard and Miss Hill departed for Belmont (Mr. Sharon not being of the party) and remained there until Wednesday, the fifth of May. If all three had sworn to the introduction as occurring on the last two or three days of April, or the first two days of May, 1881, as Wells did, they would every one of them have been convicted of perjury, because the historical fact is, that during those days the plaintiff was at Belmont.

This party went to Belmont on Friday, the twenty-ninth of April. On the thirtieth they were enjoying themselves generally about the estate. Mr. Stagg and Miss Hill took a ride on horseback late in the afternoon, and did not return until about eight o'clock in the evening. They kept dinner waiting, and Mr. Burchard and Mrs. Stagg agreed to appear angry at their

remaining out so late. They counterfeited displeasure so successfully that it offended the plaintiff, and she retired in dudgeon to her apartment; and after one or two fruitless efforts on the part of Mrs. Stagg to appease her, Mr. Burchard was permitted to go up stairs, and see if he could not make it up with her. Without going through the details of that interview, the result was, as Mr. Burchard asserts, that they became engaged to be married; that they assumed relations which, of course, were utterly inconsistent with the idea that she then considered herself the wife of Mr. Sharon, or anybody else.

On Sunday, the first of May, they were left together by Mr. and Mrs. Stagg, pretty much all day. During its course, however, Mrs. Stagg says she spoke to Miss Hill about her going on so with Burchard, when she had already told her that she had not made up her mind whether she would marry Mr. Sharon or not, but was holding out to him the hope that in the fall she might condescend to allow his ignoble blood to mingle with her own pure celestial ichor that had its source across the plains, at Cape Girardeau in the State of Missouri, and she replied, "*Fed* is a dear little fellow, anyway." Mrs. Stagg went on to tell her that he was only a boy and was in no condition to marry; to which she replied, "It don't make any difference; I have money enough for both of us." After their return on Wednesday, the fourth of May, from Belmont, Miss Hill told Mrs. Stagg that she intended to marry Burchard; that she was going to put him on probation, send him back to Denver, and if he behaved himself for a period of two years—that being her favorite period of limitation for engagements or for apparent concubinage—she intended to marry him.

On Wednesday the fourth of May, the party returned from Belmont, and in accordance with the relations established between them, Burchard relates (and the Staggs and the Reigarts confirm this statement) that he was with her daily, in her apartments, out walking, driving and visiting the theatres.

On the fifth, while Mrs. William Sharon (?) was engaged to be married to Mr. Fred C. Burchard, she receives from her

husband(?) a letter, plaintiff's Exhibit Eleven, the one in which the word "Wife" has been so rubbed and defaced that it is scarcely to be deciphered, in which he says:

"My dear Wife:—

You had one hundred and twenty, then twenty and before I left, one hundred; in all two hundred and forty (\$240.) The balance is just \$260, for which find cash enclosed. I am afraid you are getting very extravagant.

May, 5, 1881.

SHARON."

What a letter for a husband to write a wife with whom he was in constant association! A wife who breakfasted with him, went out with him, was with him at dinner, passed her evenings with him, and remained with him until the next day. It is a curiosity. Is there anything in it intimating the existence of marriage, except the interpolated word "Wife?" Is there a word that opens to us a glimpse of marital associations? I will not characterize it. I leave its interpretation to your Honor. Mr. Sharon says the word "Wife" is a forgery, and thinks the fraud manifest upon the face of the document; but whether it is so or not, he swears that neither upon that nor any other letter, did he write the word "Wife."

Here is another curious circumstance: on that day she obtained two hundred and sixty dollars in cash from Mr. Sharon, and on that day she took two hundred dollars in cash from her writing desk and gave it to Mr. Burchard, presumably out of this coin. She told Mr. Stagg she lent him two hundred and fifty dollars, but Mr. Burchard said the amount was two hundred dollars, and now the plaintiff swears that on that day, when her back was turned, Mr. Burchard stole three hundred dollars and escaped!

On Friday, the sixth of May, 1881, Mr. Burchard spent the day and evening with Miss Hill, in her rooms in the Grand Hotel, and on the seventh he departed for Denver via Los Angeles. While delaying at Los Angeles he received information that his position in the Bank of Denver had been declared vacant, and he returned to San Francisco. On Monday the ninth, in Mr. Burchard's absence, Miss Hill went to drive with

a "Lieutenant" whose name Mrs. Hardenberg does not remember, and they called on the latter and said they were *en route* for Temescal. It does not appear whether she obtained her husband's permission to go on this excursion; certainly the plaintiff has not so stated.

Shortly after this excursion with the "Lieutenant" Mrs. Reigart, Miss Hill and Mr. Sharon went to the race course. Mrs. Reigart commenced a conversation about Miss Hill's extravagance in shoes, and Miss Hill put her finger to her lips and silenced her. In the letter of the eleventh of October, 1883, from plaintiff to Mr. and Mrs. Reigart, the plaintiff suggests to Mrs. Reigart that she could assist her by remembering and swearing to the following statement. It is not the assertion of a fact; it is a wicked and cunning suggestion. She says: "If I remember well Mrs. Reigart joked Mr. Sharon one day when we were going out to the Park in his carriage, the day we got out at the race track and tried to shoot at a mark; she joked him about my buying so many shoes, and then said something about she heard we were secretly married and he turned to her and said: 'Let me introduce to you Mrs. Sharon; is she not pretty enough?' And then ha-ha'ed and laughed to kill himself." Mrs. Reigart was examined by Judge Evans as to this alleged conversation, as follows:

Mr. Evans—"I will call your attention to the language of the plaintiff. She says, 'I think it was some place out near the Park, where they shoot. We turned off and went in. Mrs. Reigart commented something about my having so many pairs of shoes. She turned to Mr. Sharon and said, 'I suppose it is all right. They say you and she are secretly married.' Did you say that?"

A. I did not.

Q. "Mr. Sharon turned round and said, 'Allow me to introduce you to Mrs. Sharon. Is she not beautiful enough?' Did he say that?"

A. No, he did not.

Q. Anything like that?

A. Nothing like it."

I commented yesterday at some length upon this matter, and do not propose to notice it further than to say that the falsity of this tale of the plaintiff is abundantly established

by the contemporaneous correspondence of the parties, as well as by the recent testimony of Mr. and Mrs. Reigart, especially of the latter. The correspondence commences with a letter of the plaintiff to the Reigarts, dated the twentieth of May, 1883, and closes with Mr. Reigart's letter to Miss Hill, dated the twenty-ninth, of October, 1883. It shows that until she entered into this public "fight" against Mr. Sharon, in connection with Messrs. Neilson and Tyler, she never once had intimated to these people, that there were any relations of marriage between them, although Mr. Reigart says in one of his letters, "I always thought from the character of Mr. Sharon's attentions to you, that they would ultimately culminate in marriage." It has been thoroughly commented upon by Judge Evans, and although I think it would be exceedingly instructive, yet in view of the time I have occupied, I shall not here review it, contenting myself by simply saying with reference to it, that it fully demonstrates the utter falsity, not to say the palpable absurdity of both the stories told by the plaintiff in relation to the knowledge the Reigarts had of her alleged secret marriage to the defendant.

I solicit attention to another curious circumstance. The plaintiff says: "I never introduced Mr. Sharon to anybody as my husband. That was not the agreement." But she adds: "After I went to the Grand Hotel, it was sometimes a frequent occurrence for him to introduce me as his wife. He introduced me to Mr. Mazes; he introduced me to those gentlemen on Sutter street; and he introduced me to Mrs. Reigart." We now know these introductions never occurred. Mr. Mazes, a reputable and intelligent gentleman, as your Honor is aware, asserts that no such introduction ever took place, and the gentlemen on Sutter street, or the remnant that is left of them, have pretty nearly disappeared, so far as their evidence is concerned, and we need not dwell on that introduction. Mrs. Reigart positively denies any such presentation of the plaintiff. Such conduct on the part of Mr. Sharon would be utterly inconsistent with the secrecy clause of the marriage contract. If these stories were true, then Mr. Sharon had seen fit to make it known; he had seen fit to publish, as far as it was

possible for him to publish, among all people whom he met in conjunction with her, the fact that she was his wife; to Mrs. Reigart that he was secretly married to her; to Mr. Reigart that she had a right to both his room and his carriage; and to Mr. Mazes that she was his beautiful wife.

If this girl's lips were sealed until Mr. Sharon saw fit to make it known, then by his public admissions they were opened and she was at liberty to speak. If Mr. Sharon could tell Mr. Mazes in the Fall of 1880, at Belmont, of the existence of this marriage; if he could tell it in the Spring of 1881 to the Reigarts and the Staggs, to whom she refers, why could not Miss Hill tell her old grandmother, her relatives and her brother? Was there any reason why she should longer endure in silence the unjust obloquy of sustaining meretricious relations with Mr. Sharon, when he himself had taken the iron gag from her month, and given her liberty to proclaim her honor and the truth?

Mr. Tyler has argued that her multitudinous assertions that she was not married to Mr. Sharon; that she was engaged to him; that the engagement was broken off; that she was going to sue him for breach of promise of marriage—were declarations strictly within the line of her duty and in compliance with her agreement; that she was bound to concealment, to duplicity, and to falsehood. She could not reveal even to her venerable grandmother, her uncle, her brother, her cousins and her aunts the momentous secret which alone could save her from impending social destruction; yet, while she was fulfilling the silence clause of the contract in purposely omitting to tell those who, by every natural law, had a right to know, she could inform the poor, uneducated negress Martha Wilson, for the purpose of securing her chaperonage to the West Coast Furniture Company, to get two inlaid tables and a writing desk, worth about thirty dollars; she could tell Vesta Snow, an utter stranger to her; she could tell this unfortunate Brackett girl; and she could tell Mr. Frank Rodney. She could speak when she should have been silent; she was silent when she should have spoken.

Her contemporaneous declarations from the time she left the Baldwin to the rupture of their connection in August, 1881, and even later, show that she indulged only in the hope of securing Mr. Sharon as a husband; but at the time she left the Grand, the evidence shows that she had abandoned even that expectation.

This brings us to the fourteenth of May, 1881, when Mr. Burchard returned from Los Angeles, and, according to his story, had hard work to keep out of Miss Hill's way. She sent her maid for him to the cigar stand which he had made his headquarters, and finally succeeded in capturing him. On the evening of the seventeenth of May, while Mr. and Mrs. Stagg and Miss Hill were dining together in the latter's room, Mr. Burchard appeared. Mrs. Stagg said he seemed dejected and unhappy. He remained until after they had finished dinner, and they left him there. Mr. Burchard describes the scene which ensued, and to whose narration the plaintiff does not oppose even her poor denial. She charged him with falsehood and deception; she told him that he had represented to her that he had a good position in Denver and had money, when, in fact, he had neither position nor money. He charged her with sustaining meretricious relations with Mr. Sharon; and with such mutual compliments, the wealthy and noble-born Missouri heiress, who "had money enough for both of them," parted from her lover. Her counsel protest that this is all a falsehood. But as we have heretofore seen, and shall hereafter observe, out of her own hands comes her condemnation! Upon Mr. Burchard's cross-examination, she produced letters written by him to her, which demonstrated that there existed between them relations wholly inconsistent with the theory that she was the wife of the defendant.

From these letters your Honor can gather some of the causes of the quarrel between Miss Hill and Mr. Burchard. He had written to her from Los Angeles, that he had lost his situation in Denver, to which he was pretending to return by the assistance of her money, and had abandoned the journey. He says:

"I do not know why I write you, as you have treated me as a man devoid of any confidence."

This was one cause. She did not believe him.

"Do you suppose I would have written you that I had lost my position, if it were not so? Do you think it a thing to be proud of that I lost my position from pure negligence and love of pleasure?"

I would like to know where the letter here referred to, is. She produces two of Burchard's letters; but that which he wrote her from Los Angeles, while they were engaged to be married, and in which he told her about the loss of his position, is not produced! I resume:

"Do you suppose I would have written you that I had lost my position if it were not so? Do you think it a thing to be proud of that I lost my position from pure negligence and love of pleasure? I enclose the letter in proof of it, and here I wish to say, if you will believe me, that I did not receive it until the morning I left for Denver; and when I left you, purchased my ticket through, which I can prove. Now I wish to explain the letters which I send you. The first one you read was the last letter I received from Denver before leaving for here, showing me everything was right, and on the strength of that and a pass part way, I thought I would take a trip out here for a few days and return. I neglected to tell the Bank, as I thought it did not matter where I went, as I had permission to remain away until I had regained my health. I wrote there from here, and drew on them, to which letter I have never yet received an answer. As to the second, I made a remark to a friend I met at Vegas going through to Denver, that I might either come here or go to New York before returning. I suppose he saw I was about well and repeated it to the bank, and on the strength of that, and not hearing from me, they thought I was neglecting my position, and consequently filled it.

As to *my friend* Wolfe, he is not, and never has been a friend or confidant of mine. He is a man I met in New York and Denver. His connections in New York are good, and in Denver I supposed him a man of pleasure. He kept money in our bank, and that is all I knew of him up to the time I came here. When I arrived here he met me the first night, and was 'hail fellow well met,' and that beat me out of fifty dollars. As to making him a confidant or speaking of you to him, it is false.

I have found out he is a perfect scoundrel and confidence man and blackmailer. I have not seen him or heard of him since two days after I first arrived here. You may believe this or not, it is the truth.

You are now acquainted with all letters, facts and everything as I am concerned in the case, and I hope you are satisfied."

This was another cause of quarrel. She believed he had written her a falsehood. Another of her accusations was, that he had made a confidant of one Wolfe, whom she designates in this letter as "his friend," and had talked about her to Wolfe. He denies this charge, and concludes: "Please return the letters by the boy and write me as you will. The boy will wait until you have read and answered."

Is it likely that Mrs. William Sharon would receive a letter of this kind from Mr. Burchard?

On the following Sunday Mr. Burchard again visited Miss Hill, and after leaving her, writes her another letter. If your Honor can possibly believe it, these are letters produced by the plaintiff herself! In this letter he addresses her "Allie," for the last time!

"Allie:—

Forgive me for addressing you in this way. It is for the last time. I have written this immediately after leaving your room. If you could look into my heart and feelings you would know this was written not only by a friend, but a man and a gentleman that would lay down his life for you. God knows that if I did not love you as I do, I never could have stood such harsh, cruel words as I have stood from you. I have not always been down as I am now. I have had my sway; been looked up to in the world, and held my head up as I had a right. Before you I am humbled. I have spread my whole life before you, as I know it myself. I am under obligations to you." (He had borrowed two hundred dollars from her to get home to Denver, to make his preliminary repentance and lead a new life before she married him. Yet this woman deliberately says he stole this money from her!) "And above all," he writes, "I love you better than my life. I cannot help it." (He far transcends Mr. Sharon as a love letter writer.) "Oh, Allie, if you only knew what I would give for your friendship! I would be your slave, servant, wait at your commands at all times, give up everything that is dear to a man's life to

be near you. I have counted the hours, minutes when I thought I could only see you again, as I did not wish to visit you too often for fear you would not like it. I have tried to talk pleasantly to you. You have told me things people have said, and as God is my judge I know I never said. I tried to deny them to you, but the way you speak to me completely silences me. I am as a man stricken dumb; a few kind words from you would do anything with me. When you said you were thinking of sending for me some evening to wait on you, or take you somewhere, it was just what my heart had been wishing for. How gladly I would have, and would come. If I can add one jot to your welfare or happiness, I am always at your service. * * * I swear

to you, you may say of me as you wish, I never shall mention your name from this moment to any one. I shall never visit you unless you wish it, and will always be at your command, either night or day, no matter for what purpose you may need me, and all I ask in return is that you will think kindly of poor Fred, who will be very lonesome, and were he not a man and thought he might some day be of use to you, would end his life right here and now. God bless you and make you happy, is the wish of one who, no matter what others may say, knows that he loves you, and craves for every little acknowledgement or kind word he might hear or receive from you. Good-bye Allie, and may these lines kindle a little friendship in your kind heart, that others have tried to steel against me, whether on purpose or not, I do not know. As you ask it, I return the last little thing I have to love except my happy remembrance of you. Always your friend and slave,

FRED C. BURCHARD."

That is a nice letter for Mrs. William Sharon to receive on the nineteenth day of May in the year of our Lord eighteen hundred and eighty-one, from a young man of Denver, Colorado, whom she had been with night and day for three weeks! She lends him money to go back to Denver, quarrels with him on his return, on finding that he has neither money nor position; he charges her with meretricious relations with Mr. Sharon; repents, and tries to restore himself in her affection, but fails. He returns to her all letters and notes he has received from her, and finally, in this last throb of a broken and despairing soul, he sends her the "last little thing he has to love except his happy remembrance of her!" This married

woman, whose husband was in the habit of opening her trunk, and taking and destroying his own letters, could preserve correspondence like this, and actually have the fatuity to produce it for the purpose of contradicting its author on an immaterial point.

Burchard misstated the time when their final quarrel transpired. For the purpose of contradicting him in this date, she produces these letters of the seventeenth and twenty-ninth of May, which expose the fact that Miss Sarah Althea Hill had contracted a sudden and tender intimacy with this young man from Colorado, if she had not engaged herself to be married to him; though this last is established not merely by his testimony, but by that of Mr. and Mrs. Stagg, and the Reigarts. The same letters show the cause of their separation and that the connection was by no means platonic. Will any one be so bold as to assert that Miss Allie Hill had then the slightest idea that she was married to William Sharon? Did she have this contract? Did she have these "dear Wife" letters? There is but one answer to these queries. The supposition is absurd. It is a most ridiculous proposition that William Sharon would marry this young woman and permit her to go to Belmont with this young fellow, to remain there in his company nearly a week and then come home and still remain with him day and night.

He never would have permitted such conduct if she had been his wife, for, secret as their relation was, his interest, if not his passion, would have kept her out of reach of the temptations or associations growing out of intimacy with other and younger men.

The history of this portion of her life is of itself a complete answer to any pretensions she can make that she was then the wife of William Sharon, or had up to that moment conceived the idea of ever presenting herself to him or to the community as his wife, however married.

In June, 1881, the plaintiff's jealousy of the defendant was excited; and she went to Oakland and begged Mrs. Hardenberg to go with her and hunt up Mr. Sharon and some lady

who had gone with him to Brooklyn. Mrs. Hardenberg consented, and they went in pursuit, but failed to find them. Miss Hill subsequently stated that she had been wrongly informed. About the same time the Reigarts departed for Detroit with feelings of friendly regard for Miss Hill. It was otherwise with the Staggs, however, who left ten days earlier, not on the best of terms with her.

About this time Mrs. Smith called on Miss Hill at the Grand Hotel; and Miss Hill informed her that she was engaged to be married to Mr. Sharon, and received Mrs. Smith's congratulations on the approaching event.

About the same time, also, Miss Hill solicited Mr. Robbins and his wife to visit Belmont with her. She first asked him in her own apartment, then went to Mrs. Robbins' room and repeated the invitation. Mrs. Robbins remarked that she thought it very odd that Miss Hill should extend such an invitation. Miss Hill replied that "it was all right." She was engaged to be married to Senator Sharon and he had given her the privilege of taking her friends there. Mr. Robbins declined the invitation on the ground, first, that he did not like to go to anyone's house without the invitation of the proprietor; and, second, that he was then on bad terms with Mr. Sharon. This last fact shows that the plaintiff could have known very little about the defendant's business. She says, now, that Mr. Sharon wanted her to frighten the family into removing, because he did not like them! That is invented to escape from the effect of Mr. Robbins' later testimony. That she did go to them and seek their intimacy, as she did that of any other person of respectability to whom she could venture to speak or upon whom she could lay her hands, is evident. She had known the Robbins family since 1878, had sat at the same table with them at the Baldwin Hotel; had met them in the rooms of their mutual friend, Mrs. Williams; and there was no reason why she should not be on friendly terms with them. She attempted to associate with them, and it was probably with surprise that she learned from Mr. Robbins that he and Mr. Sharon were not friendly; that they had

had personal difficulties occupying the full attention of both gentlemen, and which remain unhealed to the present day.

Miss Hill had managed about this time to make the acquaintance of what was known as the "Governor Young Party." The persons composing it, like many other strangers staying at the Palace Hotel, went to Belmont, to the Cliff House and other places of general interest, to which Miss Hill occasionally accompanied them, and in this connection she produces a note from Mr. Sharon in which he seems to have forgotten altogether that he was her husband! He says:

"My dear Miss Hill:

The parties going to Belmont would have me go with them. So you can come on the 4:30 train.

W. SHARON."

Plaintiff's Exhibit Fifteen has no date, and may as well be read here as anywhere else. Mr. Sharon states that he was out for one or two days with the Young party, and Miss Hill affected great anxiety for his welfare. This is the only kindly note in the entire correspondence. He has just written to her "My dear Miss Hill," and now he writes:

"My dear Allie:—

Come over and comfort me. I am awfully sorry to have given you any uneasiness. You ought to know I was in good company, old friends from Washington, &c; and therefore, why should you be so alarmed? S."

I will, also, here read plaintiff's Exhibit Thirty-six:

"Allie:—

Am going to Belmont to-day; may not be back till Monday."

Both of these hasty notes, although kindly in tone, are wholly opposed to the idea of marriage between these people, as well as her testimony that they were in constant association day and night. One is an invitation for her to visit him, and the other informs her that she need not come. There is nothing in them that might not be written by a man to a woman who was his friend; and there is no word in them which would be written by a husband to his wife.

During this month Mr. Sharon became offended with Miss

Hill because she was imprudent in coming to his rooms, and seemed no longer to care for secrecy. He says she threw off the veil they had agreed should hang over their relations, and loitered about the hotel, and approached his rooms in the daylight. He cautioned her about doing so; told her he did not like it; and finally said that if he wanted to see her he would call on her, but she must not come uninvited to his rooms. Money was missing from his apartments and his pockets, and he gave orders that she should not be admitted. Ki testifies that during this month Mr. Sharon told him not to allow her to come any more, but that she kept coming. "Sometimes I tell her Mr. Sharon not in. She sometimes hang around the hall, asking me to take note to Mr. Sharon and get answer. Mr. Sharon don't want to give answer." About this time she became exceedingly jealous of Miss Dietz. Harriet Martin saw her hiding on the fifth floor of the Palace Hotel, behind the door of a room that was being cleaned. She was trying to get into rooms one hundred and twenty-four and one hundred and twenty-six, where she said the defendant, Miss Dietz and her baby were. Mrs. Hardenberg says that when Miss Hill came to see her in August, 1881, and told her the engagement with Mr. Sharon was at an end, she assigned as a reason that she heard Mr. Sharon was taking breakfast in a room with this lady and her baby, and had walked in upon them. This corroborates the statement of Harriet Martin, that she found her hovering about rooms on the fifth floor, endeavoring to get in. It appears she succeeded, because she told Mrs. Hardenberg what I have just stated. She talked to Harriet Martin about the Dietz baby and about charms; told her she had experimented with some and that they did not work. Harriet Martin also saw her trying to climb into Mr. Sharon's apartments through the window of one of his bedrooms, which opened on the corridor. It was about this time (and this was the cause of her falling into so jealous a temper) that Ki carried Miss Dietz's baby to Miss Hill and Sarah Millett, by his master's order. Ki says Miss Hill wanted him to make away with the baby, and get it out of the way. This transaction is also utterly inconsistent with

the idea that Mr. Sharon recognized Miss Hill as his wife. She has already informed us that in July, 1880, her maiden heart had been won and the religious scruples that had stood between her and this secret marriage had been overcome by "confirmations strong as proofs of Holy Writ" that he was sustaining illicit relations with Miss Deitz; so now, in July, 1881, it is hardly strange that she offers as evidence of her wifehood the fact of his sending for her inspection his illegitimate child by the same unconsecrated connection! When on earth did any man ever voluntarily send his illegitimate child to his wife! Counsel on the other side may say what they please; they may administer any species of verbal castigation that their experience in scolding can devise, but there is no man living whose tongue will be able to persuade any other, that a husband would voluntarily exhibit to his wife a child who occupied a relation to him that this child is asserted to have borne to this defendant.

It was about the middle of August or September, 1881, that the plaintiff commenced visiting fortune tellers. She obtained mistaken information, in some way, that Mrs. Frances Massey was a fortune teller and a Louisiana Voudou Queen, and went to her. Mrs. Massey's evidence is worthy of special notice. Certainly I may say with truth that I have never seen a witness taken from the humbler walks of life whose appearance and manner were more creditable than this old woman's, and counsel cannot justly criticise her as disingenuous, unfair, or prejudiced. Miss Hill's association with Mrs. Massey commenced about the first of September, and covered a period extending to the Spring of 1883. Sometimes Miss Hill went alone to Mrs. Massey's house. Sometimes, after Mrs. Kenyon came to live with her, she was chaperoned by Mrs. Kenyon. Later, she brought Nellie Brackett with her; and James Riley went on some of her errands. Mrs. Massey is corroborated all along the line. Even Nellie Brackett, on cross-examination, at a time when there had been no opportunity for conference with the plaintiff, admitted visits to Mrs. Massey. Mrs. Kenyon testifies to them, and James Riley states that he took a

note from Miss Hill to Mrs. Massey, asking her to return a pair of Mr. Sharon's socks and a shirt, over which she had wished Mrs. Massey to perform some Voudou ceremonies, and by their means secure her Mr. Sharon's fast-flying affections. It is impossible that this witness' story is not true in its main features. Where did Mrs. Massey learn the many details to which she testifies? If you believe Miss Hill's story, she never saw Mrs. Massey until the Spring of 1883, when she went there with Miss Nellie, and this was the first and only visit. The plaintiff was compelled to confess this call, because Miss Brackett had already admitted it on cross-examination, and at that time she did not think it good policy to run counter to Miss Nellie. Miss Hill's assertion is manifestly false. I repeat, if there is a witness of high or low degree, whose general testimony is entitled to credit, that witness is Mrs. Massey. I make no allusion to the attempt to impeach her, because it was a dismal failure. Mrs. Massey says:

"Miss Hill came to me—she asked me, 'Are you Mrs. Massey?' I told her I was. She told me she was in great distress and she came to see me. I asked her what it was. I told her I was sick myself, and I had my own troubles and I could not help anybody, if it was money that she wanted; that I did not have any to help anybody, but if it was anything that I could do towards sickness or anything, I could help, or I was willing to do, but as regards means, I had none. So she told me it was not that. She was sent to me to do something to help her; that is, with regard to giving her a charm.

Q. Let me ask you: Were you not a fortune teller?

A. Never, sir, in my life, sir.

Q. Or charm worker?

A. Nothing of the kind, sir.

Q. In any way?

A. In no way, sir. I have been here thirty-two years, and I can prove my reputation anywhere in San Francisco.

Q. She said she had been sent to you?

A. Yes, sir.

Q. Go on.

A. I asked her by whom, and she said she could not tell me. I told her I would like for her to tell me, because if anybody sent her to me for any such thing as that, I would have her arrested; that I knew nothing of the kind, and moreover,

that my mother was a religious woman, and I never heard her speak of anything of that kind. Well, she said she was told the colored people from the North knew all of these charms. I told her I could inform her I was not from the North—I was from the South; that I was raised among ladies and gentlemen, and that I never believed in anything of the kind, and I knew nothing of the kind. She then began to cry, she pretended, but I did not see many tears; but anyhow I asked her what it was. She said a gentleman, or two gentlemen, but one in particular, had deceived her, and she wanted something done to see if she could get them back. I told her I couldn't do anything towards getting those gentlemen back, so she insisted upon me doing it. She said she knew I could do it if I wanted to. I told her no, I couldn't do anything of the kind, and that if I had any charm certainly I would commence with myself first. She said she had heard different things that had been done, and that this gentleman—one of the gentlemen—had got her pregnant, and she wanted him to marry her, and his mother wouldn't allow him to marry while she was living; that is, to make a long story short. The thing is, she wanted if this one wouldn't marry her, if she could get the other one to marry her, if she could get the money, then this other one would marry her; so I told her I didn't know anything of the kind; she would certainly have to go to somebody else.

Q. Was that all of the conversation?

A. That was not all. She told me some things some white ladies had done to get or to keep their husbands, and I told her they were very wrong, but I knew nothing of the kind myself.

Q. How long did she remain there that time?

A. She remained there that time, I suppose, about an hour or an hour and a half, sir.

Q. How soon after that did she come back?

A. Well, I think she came back the second day.

Q. Did you have any conversation with her at that time?

A. Yes, sir.

Q. What was it?

A. Well, she brought me a pocket-handkerchief and a pair of socks of one of the gentlemen.

Q. What did she want you to do with them?

A. Well, she wanted me to fix them up so as to charm this gentleman.

Q. What did you tell her?

A. I told her I could not do anything. She says—she

spoke about putting things in Mr. Sharon's liquor, and said she had done it by Mrs. Pleasance's advice." She also says, "I never knew what this lady's name was until I saw it in the *Chronicle*, the day after Mr. Sharon was arrested."

On her cross-examination, she says: "I was a member of the Colored Church that had some litigation; Lloyd and Newlands were attorneys for the church, and knowing Mr. Newlands was the son-in-law of Mr. Sharon, I went to Mr. Newlands' office, and told him what I knew."

During the month of August, 1881, the plaintiff went to Mrs. Hardenberg and told her that she and Mr. Sharon had quarreled, and that she was going East, and wanted Mrs. Hardenberg to hunt up Mrs. Kenyon as a companion and chaperon for her.

She told Mrs. Hardenberg how she had burst into a room where Mr. Sharon was taking breakfast with a lady and child, and said to him, "I hope you are having a good time," and walked out; that subsequently she saw Mr. Sharon, and he asked her what she did it for, and then he told her that she need not expect him to be true to her, and that her answer was, "If this is the state of your mind, good-bye." Then she said, "I want you to see if you cannot open negotiations for me with Lloyd." Is this story true? If it is, it settles her pretensions that up to August, 1881, she had even a glimmering notion that she was Mr. Sharon's wife. Does your Honor believe that Mrs. Hardenberg would come here and deliberately tell a willful falsehood? Does she need corroboration? If she does, she is corroborated by Mrs. Morgan, who heard a considerable portion of this conversation. She is corroborated by Mr. Hardenberg, who came in when the ladies had very nearly finished their luncheon, and with whom Miss Hill also, had a conversation in which she sought to employ Mr. Hardenberg's influence to obtain an interview with Mr. Lloyd. Was this conversation consistent or inconsistent with the idea that she supposed herself to be married? Take the rule in *Cunningham vs. Burdell*, and in *Yardley's Case*, and apply, as the Court says, the principles of common sense and the ordinary experience of human life to the conduct of the parties, and you

find that every foot-print leads away from matrimony and guides us to one irresistible conclusion—that up to this time the relations between them had been meretricious; that she had been hoping by the prevailing power of her personal charms, supplemented by necromancy, to bring Mr. Sharon to her feet; but that, finding this result could not be reached, she determined to annoy him to the utmost of her ability. Accordingly, during this same month, Miss Hill intruded, without the knowledge of Mr. Sharon or his servant, into his rooms, and secreted herself in a closet. Ki says: “That night Mr. Sharon took dinner and I did not want to light the gas until Mr. Sharon came back, and I sat out in the hall, and when Mr. Sharon came back I start ahead to go and open the door and light the gas; then Mr. Sharon followed me. I spoke to Mr. Sharon to shut the door; Mr. Sharon left the door open. Then I set down to light the fire and warm his feet. He complained of the cold. He left the door open; then she walked in this doorway, and hid herself in this closet.

Q. What closet?

A. In the trunk closet in the room where Mr. Sharon’s bed was.

* * * * *

A. I rubbed Mr. Sharon’s feet; I told him somebody come in; Mr. Sharon say no. After I got through with Mr. Sharon I fixed it so I go home. Then I go round the dark closet, and found her sitting in that. I looked for her; I thought somebody come in there. I found her there.

The Court. Q. Where?

A. In that closet.

Q. In the closet in the dark bedroom?

A. Yes, sir; then I holler like everything; it scared me half to death. I came out and say ‘hoo-hoo;’ I fall right down this way, you know.

Q. What happened after that?

A. Then Mr. Sharon came out and told her to get out of the way—to go away—and shove her to the door. I didn’t get over it for three weeks. Scare me so, my God!

Q. Did she go away?

A. Yes, Mr. Sharon make her go.

Q. What did he say to her?

A. He told her to get out.

Q. What did she say?

A. She didn’t say much. Mr. Sharon put her out doors.

Q. He shoved her out, and she went away ?

A. Yes, sir ; she stayed outside and hung around and tried to stay there, and Mr. Sharon didn't want her to stay there."

He also says : " She came back again often. I would not let her in, and she sent a boy, too."

Here is another curious instance of the perversity of the plaintiff's recollection; she remembers that there was a time when she occasioned a scene by getting into the closet, so she fixes the date on the night of the fifth of December, 1881. Mr. Sharon details this affair as Ki does, and they agree that it occurred in the month of August, and not in December. In December he never saw her at all. The episode is also noticeable as an instance of Miss Hill's peculiar method of weaving together facts and falsehoods. Compare Miss Hill's account, in her testimony, of the trouble she had with Mr. Sharon in the month of August, 1881, about a lady, and the statements made in her letter of the twenty-fifth of September, 1883, to Mr. and Mrs. Reigart. She tells substantially the same story in the Reigart letter which she utters here, except—and here is its peculiar and remarkable feature—that she says on the witness stand that the cause of the trouble in August was a lady, and in her letter to the Reigarts that it arose from Mr. Sharon's determination to get possession of the marriage contract. Both of these stories cannot be true. Mr. Sharon says that neither of them is true. In August, 1881, she climbed through the transom and got into his room ; he tried to induce her to go peaceably, but she refused, lay down on the floor and would not move, pretending to have fainted. He poured some water on her and then she rose and went to her room and reported the transaction to Sarah Millett. Sarah Millett testified that the plaintiff told her that she fainted, and he poured water over her. She now takes hold of this scene and says that it was brought about because she was insisting on her rights as a wife, and objected to his acquaintance with other women, forgetting that already in evidence was her letter written to the Reigarts on the twenty-fifth of September, 1883, in which she tells precisely the same fiction in every detail of circumstance, but recited it for the purpose of inducing them to be-

lieve that Mr. Sharon had abused her because she would not give up the marriage contract !

It was during the month of August, also, that Miss Hill secreted herself behind Mr. Sharon's bureau, where she claimed to have witnessed an interview between him and a woman, and then went to Sarah Millett and indulged in uproarious laughter over it; told her she had witnessed a scene between Mr. Sharon and a woman, and that Mr. Sharon had described her to his companion as a tigress ! A wife, who had been acknowledged for several months as such, secretly bestows herself behind the bureau in her husband's room, detects him in the commission of the highest crime which a husband can commit against the marriage bond, treats it as a joke, goes to her friend Sarah Millett, rolls on her bed, kicks up her heels, and laughs and screams at the good joke she has on the old man ! She makes no pretense of any invasion of marital rights ; but a disgusting episode of which she boasted, if indeed it ever transpired, gave her the highest enjoyment. This, as I shall show your Honor when we come to it, was the motive and inspiration of that infamous falsehood according to which she undertook to crowd Miss Brackett behind the bureau in the same apartment at the time she threw aside the curtains of her marriage bed, and permitted her to witness the sexual intercourse between herself and her husband. She transfers and assigns to Nellie Brackett in 1882, what she claims to have done in August, 1881 !

Yet while we know that she was then making no serious complaint at finding Mr. Sharon in such relations, she swears now that they had a terrible difficulty at this same time, because Mr. Sharon, being her husband, had dared to pay a friendly visit to a lady who lived on Leavenworth street. Was anything ever more absurd ? She says that after it occurred, he came to her room and proved to her that he had not been with this young lady and showed her a letter in confirmation of his statement. She took it and sent a relative to prove his assertions. The report was satisfactory, and she says, " I was perfectly satisfied with his explanation. I had wrongly ac-

eused him." Mr. Sharon swears that this difficulty and this interview about the lady is wholly invented by Miss Hill. I ask your Honor how she could possibly be thus jealous and institute an inquisitorial process about a young lady of whom she knew nothing evil, and then do what she swears she did in the way of discovering his flagrant infidelity in what was legally her room and her bed, with another woman, and only consider it a huge joke, over which she could laugh and scream, as though it was the most ludicrous occurrence that ever happened before her eyes?

I expected she would produce the letter she said Mr. Sharon showed her, in confirmation of this legendary tale, just as she produced the Dietz letter, which she purloined from his apartments, in confirmation of her story of Mr. Sharon's wooing in the preceding year.

That she did obtain possession of some letter written by a lady to Mr. Sharon, there appears to be no doubt, because she subsequently showed the same letter to Mrs. Kenyon. Mrs. Kenyon says: "She came in one day with a letter. She took it out of her pocket and said, 'Mrs. Kenyon, there's a letter from Miss Reilly.' I said, 'where did you get it?' She said, 'I got it out of Mr. Sharon's table drawer.' I said, 'How dare you?' She said, 'I dare do anything, he will never miss it.'" Beyond any question Miss Hill has that stolen letter now; and its possession will account for this last invention of hers, just as the letter of Miss Dietz, stolen on another occasion, gave her inspiration for the falsehood about the courting in July, 1880; just as those scraps, copied from Mr. Sharon's cipher book, were the basis of the falsehood told about Mr. Dobinson in the Spring of 1881, and just as the possession of other stolen papers, which I will not discuss now, furnished the opportunity for like groundless fabrications in similar connection.

Why, sir, from what we have seen in this court room of the lady's disposition, and her readiness to rise into a very tempest of passion, of the imperious and ungovernable temper which she displayed while under Mr. Evans' cross-examination, in snatching papers from him, threatening him, behaving in such a way that your Honor could hardly restrain her; what do you

conjecture she would have done had she really been the wife of Mr. Sharon when she hid herself behind the bureau in his room? You can readily imagine what would have been her clamors! Yet Colonel Flournoy asks your Honor to forget all you have seen, to disregard every principle that underlies human action, to ignore all you know and have learned in your experience as a man and as a Judge, and believe that she could witness his infidelity and laugh at it with Sarah Millett, because she was his wife; to believe that if she had occupied a different relation to him, she would have rebuked him; but that being his wife she said nothing about it!

She also repeated to Mr. Sharon, he says, what she had heard, and laughed and considered it a good joke. Was she at this time a privileged visitor at Mr. Sharon's rooms? The pencil note (Plaintiff's Exhibit Sixteen) shows that she was not visiting him. He writes:

"My dear Wife—

Enclosed find three hundred and ten dollars to pay bills with &c.

Aug. 29th, 1881.

W. S."

Mr. Sharon says that the word "Wife" is a forgery, and was never written by him. Mr. Hyde says it is in the unmistakable handwriting of the plaintiff, and that the word "Wife" is written over the partially erased word "Allie." The plaintiff produces the envelope which covered this epistle, and it is addressed "Miss Hill, Grand Hotel."

During the latter part of August, Mr. Sharon was not well. He was troubled with insomnia, and was very feeble. One night she appeared at a late hour in his rooms, and said that from the window of the main hall she had climbed along the outside of the building, to one of his windows. She subsequently admitted that this was a falsehood, and that she had got in by stealth and secreted herself either in the closet or behind the bureau.

She testified at one time, that during Mr. Sharon's sickness, which commenced about the first of September, and continued for two and a half or three months, she was his nurse and

slave. Your Honor remembers her language: "I was his slave; I nursed him day and night." Now see what she elsewhere alleges was the reason why she did *not* go to his rooms and note also, how unutterably vile the suggestion is:

Mr. Tyler—"Now was it before or after that note where it speaks of his making arrangements about your going East, that Mr. Sharon was sick?"

A. It was just about that time that Mr. Sharon was sick, and I was cross with him about being sick, and I concluded to stay in my room a little while until he was better.

Q. You had some trouble with him about his sickness, did you?

A. I did not feel pleased about it. He was sick some two months and a half, and he was just getting well when he sent me away from the hotel."

Will he who follows me, compare this statement with her previous declaration that she was his nurse and his slave? Will he compare it with the conversation she had with Dr. Sawyer, and then proceed to extricate her if he can, from the curious dilemma in which the comparison will place her? Of course, there could have been but one cause for trouble, and that cause she plainly intimates. She says this sickness began on the first of September, and that she at once took to her room, remained there until he was better; and when he got better, she was ejected from the Grand Hotel; yet she swears again that during that illness she was his nurse and slave, attending him day and night, up to the time they had "the fuss," ministering to his wants in a nameless disease, the result, perhaps, of his incontinence. If a vile and disgusting imagination, revelling in filth, presenting not one single honorable, womanly trait or quality was ever manifested, it is exhibited in this testimony. She has not one noble sentiment, impulse or word; not one womanly instinct; all is low and degraded! She seeks to escape from the consequences of the damning fact that from August, 1881, until she left the hotel in December, 1881, he would not admit her to his rooms by saying, "I stayed away from his rooms because of his condition." Yet in the same breath she says, "I was there all the time, nursing him, and Dr. Sawyer knew it." Dr. Sawyer commenced at-

tending Mr. Sharon on the first of September, 1881. He says that Mr. Sharon continued ill, and under his professional treatment for about three months, and that he never saw Miss Hill at any time. In order to escape from the effect of this testimony, she swears to a conversation with Dr. Sawyer in his office, which presents him in a most dishonorable light. She says that he admitted the truth of what she desired him to testify, but said he dared not go against Mr. Sharon. When we ask him about it, he pronounces it a falsehood, made up out of whole cloth—a pure fabrication!

Mr. Sharon says that during this illness, though he had forbidden Ki to allow her to enter his apartments, she sent him several letters imploring him to allow her to see him. He permitted her to visit him five or six times. She showed him some kindness and rubbed him a little. Once she got him some medicine. These visits extended through September. Your Honor will notice that it was during the month of September that she first went to Mrs. Scott and told her that she had obtained a charm from some fortune teller, and had administered it to Mr. Sharon. She said he was very sick, and she was afraid to give him any more of it, because it made him so cross and drowsy, and he twitched all the time. Mrs. Scott, afraid she would do him serious harm, gave her a bottle filled with a compound of molasses, tea and sugar, and told her to give the mixture to him as much as she liked; it would charm him as well as the other. Miss Hill took it away, and administered to Mr. Sharon during those September visits, two or three bottles of this molasses, tea and sugar, as a charm. Mrs. Scott says that after the plaintiff had told her of giving the charm that made him drowsy, cross and caused him to twitch all the time, she wrote Mr. Sharon an anonymous letter, and told him to look out for those who were about him. That he received that letter, is evident from Miss Hill's testimony.

About this same time, this dare-devil climbed over the transom of the outer door of Mr. Sharon's room, in the night time. She took a table, chair and stool from an adjoining room, and used them to reach the transom. The next morning he found

them in the hall, and removed them. Her motive for this escapade was jealous curiosity to see what was transpiring in his room. He was feeble and sleepless. He asked her to go away and not disturb him. She would not go. He got out of bed and tried to put her out. She lay down on the floor and pretended to faint. To induce her to get up, instead of hurting her, he poured some water over her. Then she did get up and went to Sarah Millett and complained of his cruelty. Sarah Millett repeats this story just as Mr. Sharon relates it. She says Miss Hill told her she had been to his room; he had abused her: she had fallen on the floor and he had thrown water over her. She did not say then, as she says now, that Mr. Sharon tried to murder her; that this small, delicate, and then bed-ridden man, after reducing her to insensibility by choking her, had dragged her one hundred and sixty pounds of flesh and bone through his parlor, across the hall, thrown her into an unventilated closet, and left her there for dead! She says that she was in this airless cell for two hours, and "waking up and finding myself I knew not where, in a dark and dismal cell, I commenced to cry, and in my struggles I was heard and he came to the door and opened it, and was delighted to find he had not committed murder." Such is the Munchausen-like story which she expects men in the possession of average sense to believe. All that occurred on that occasion, to give color to this monstrous invention, was that she climbed over the transom and annoyed and irritated him beyond endurance; that he begged her to go; told her he was sick; yet she went raging up and down the room as only Sarah Althea Hill can rage, annoying him and driving him nearly frantic until, sick as he was, this feeble man got up and tried to push her out of the room; that she then lay on the floor in a pretended fainting fit, and he poured some water on her. Then she rose and went away. Yet to this comparatively insignificant circumstance, she added these preposterous falsehoods, and uttered them to the Reigarts in her letter of the twenty-fifth of September as the details of a contest between herself and Mr. Sharon about the marriage contract; she repeated them here as the details of a contest between herself and Mr. Sharon con-

cerning a lady living on Leavenworth street, on whom he had the temerity to call !

By this time Miss Hill was coming to the conclusion that she had better retire to "fresh fields and pastures new," and by arrangement with Mrs. Hardenberg, Mrs. Kenyon was sent for.

She arrived at the Grand Hotel on Monday, the fifth of September, 1881. On her arrival, she found Miss Hill's room in confusion, her trunks being packed, her pictures down, and everything looking as though Miss Hill was getting into light marching order. She told Mrs. Kenyon that she was not quite ready for her, and sent her to Mrs. Hardenberg's until she was. She was going to visit friends in St. Louis, and establish herself in New York, to perfect her musical studies, and wanted her as a chaperon. She asked Mrs. Kenyon how she would like to go to Europe ? Mrs. Kenyon replied, that would depend on how long she would remain. Miss Hill rejoined, "I might never come back." Mrs. Kenyon went to Mrs. Hardenberg's to wait her pleasure. Miss Hill says this is all a falsehood, that she never did intend to go East ; never said so ; never took her pictures from the walls of her rooms, and never had her trunks packed. Your Honor will remember that Mrs. Hardenberg testified, "I said to her, 'Allie, if you are ever going to make up with that man, the best thing for you to do is to say you are going away. Send for Ki to help you take your pictures down ; pack ; get your ticket ; and if there is any love in Mr. Sharon's heart for you, if he is ever going to marry you, he will do it then.'" Upon this hint Miss Hill acted. But she says now that she never got this advice from Mrs. Hardenberg, and never contemplated going away. Mrs. Hardenberg says she did. Mrs. Morgan says she did. Mrs. Kenyon says she did. Sarah Millett says she did, and one of the notes from Mr. Sharon to Miss Hill, which she has offered in evidence, says : "As soon as I am able to be up, I will talk with you about your Eastern trip."

During this month, Mr. Sharon's illness, which was not so severe at its commencement, finally drove him to his bed. She begged to be allowed to visit him, and he yielded several times to her importunities. Twice she sat up with him all night,

and came in the day, altogether, three or four times. He found he could not tolerate her. She was at times under the influence of alcoholic stimulants and opiates; and while this man was so sick that he could not rise from his couch of pain, she would rave around his room, rant and howl at him, threaten to throw herself out of the window, and would annoy him in every possible way her experience with men could suggest. She stood before this sick man's bed, and threatened she would go to her room, write a note reflecting in grossest terms upon his honor, pin it on her bosom, take poison, and so hold him up to public shame. A pleasant time for him, indeed! On one night, when she was making this species of vaporous threat, either under the excitement of intoxication, or, as it seems from what followed, for the purpose of compelling him to buy his peace, she actually so impressed him that he sent for Sarah Millett and said, "Go and sleep with this woman. I am afraid she will do some desperate act." But he was mistaken; she was not the sort to perform desperate acts. She is menacing, noisy, voluble and odious, in her moments of passion; but that is all. She can hold to no mood. It is a brave and resolute soul that dares leap into the unfathomed depths of the stream rolling between time and eternity. Miss Hill might stand on its brink and threaten; but she would take care, if she plunged at all, to do so in broad daylight and within easy reach of rescuing ropes and life-buoys. She never contemplated fulfilling her miserable threat of pinning upon her bosom a vile, calumnious note to be published to the world through the lips of the Coroner. She was simply endeavoring to extort money as the price of her weary, sick and disgusted lover's peace. History shows that she succeeded. She got just seventy-five hundred dollars more than she deserved or should ever have received. Let me return.

Mrs. Kenyon, who had gone to Mrs. Hardenberg's on the fifth of September, came back to Miss Hill on the eleventh, not having heard from her in the meantime. Miss Hill told her that she had deferred her journey until the first of October. Her rooms were still in great confusion, her trunks

packed, and her pictures down. Miss Hill said, "You need not go back to Mrs. Hardenberg's. I want you for a chaperon and companion, and will keep you here with me." Mrs. Kenyon says she slept with Miss Hill in her bedroom for several nights, and then was furnished with a bed-lounge in the parlor.

Miss Hill shortly began to speak of Mr. Sharon to Mrs. Kenyon. The latter very naturally inquired, "Why does not Mr. Sharon come to see you?" Miss Hill replied, "Mr. Sharon will never come here as long as you stay here. He does not like you." Yet, while she told Mrs. Kenyon that little lie, she swears here that Mrs. Kenyon came to stay with her because Mr. Sharon had sent for her, and that Mr. Sharon had put Mrs. Kenyon with her!

Very early in Mrs. Kenyon's experience with the plaintiff, Miss Hill commenced to give her an exalted idea of her financial, if not her social position. She told her that she had given Mr. Sharon ninety thousand dollars in money. This appears to be a favorite figure, not only of speech, but of ciphers. Your Honor will remember in Neilson's "Explicit Statement," that he makes the same observation. When his attention was directed to it, he said he derived the information from the plaintiff herself. It is perhaps superfluous to say that she denies ever making the statement. She told the same story to Mrs. Bacon in 1881. It was repeated so many times by its author, that at last she came, possibly, to believe it herself. She had given Mr. Sharon ninety thousand dollars! Mr. Sharon had made for her thirty thousand dollars in stocks, and she had besides, the comfortable sum of one hundred thousand dollars in bonds of the United States Government. She had lent her brother, for the purposes of his business, twenty-five thousand dollars more.

Mrs. Kenyon says the first correspondence in which she knew Miss Hill to be engaged in was with Mr. Lloyd. She says: "She spoke to me of Mr. Lloyd of Nevada Block.

Q. When was the first time anything occurred about him?

A. She received a note from him.

Q. Just state what that occurrence was.

A. A messenger boy brought a note to her. He inquired

if Miss Hill was in. I said she was not and I attempted to take the note from him. He said, 'I was to deliver it personally or return it to him,' which he did.

Q. He took it away ?

A. Yes, sir.

Mr. Tyler—I move to strike out what the messenger boy said. Certainly she did not see the note and could not know who it was from.

Mr. Barnes—We will see presently.

Mr. Tyler—I move to strike out what the messenger boy said.

Mr. Barnes—Let what the messenger boy said go out.

Q. Did she come in soon ?

A. She did.

Q. What did you say to her ?

A. I told her.

Q. What did you tell her ?

A. I told her that the messenger boy said that Mr. Lloyd had sent her a note. She wanted to know where it was. I said he took it back. She said, 'Why did you not take it into my bed room and say that I was sick and would answer it, and send it by another messenger boy soon ?'

Q. What did you reply to that ?

A. I said I had not been instructed to do anything of the kind.

Q. Now then, after you had informed her about this note coming there and being taken away, what did she do ?

A. She wrote a note and called a messenger boy and sent it, as she said.

Q. Did she get an answer ?

A. No, sir.

Q. What did she do then, when no answer came back ?

A. She repeated it a number of times.

Q. How many times that day did she write to him ?

Mr. Tyler—I do not know that the witness has said a word about any 'him.'

A. Mr. Lloyd, if you please.

Mr. Barnes—She said so?

Mr. Tyler—Read the testimony, Mr. Reporter.

[The Reporter reads the testimony.]

By Mr. Barnes—Q. How many times did she write that day, and to whom ?

A. To Mr. Lloyd.

Q. Were all the notes sent by messenger boy that day ?
Do you know Jimmy Riley ?

A. I do.

Q. Who was he ?

A. One of the bell boys at the Grand Hotel when I was there. I do not know. She might have written twice during the day, but after that, not receiving a note from him, she continued writing and sending a note by Jimmy, and also sent one by me.

Q. That same day ?

A. No, sir ; before receiving anything from him.

Q. Before there came any answer ?

A. Yes, sir.

Q. Then she wrote several that day ?

Mr. Tyler—Two, she said.

Mr. Barnes—Two, by messenger boy.

A. I cannot tell the exact number. They were simply events, you know, that came up from day to day."

During this period Miss Hill visited Mrs. Massey on Pacific street, Mrs. Martel at Oakland, and Mrs. Scott on Minna street, in search of magical help. Mrs. Kenyon says she went three times to Mrs. Scott with the plaintiff, and three times by herself on plaintiff's business.

"Q. Do you know where Stevenson street is ?

A. I do.

Q. Did you ever go there for her ?

A. I did.

Q. Or with her ?

A. Yes, sir.

Q. How often did you go there with her ?

A. I think I have been there three distinct times.

Q. How often with her ?

A. Three times.

Q. With her ?

A. With Miss Hill, yes.

Q. Did she ever send you there ?

A. Yes, sir.

Mr. Tyler—Where is that ?

Mr. Barnes—On Stevenson street.

Mr. Tyler—What place ?

Mr. Barnes—She does not say ; I will ask her presently.

Q. How often did you go there for her ?

A. Three or four times. Three times, probably.

Q. Did you go in the house ?

A. I did.

Q. Whereabouts was the house on Stevenson street, if you remember.

A. Between Second and Third ; the number I do not remember.

Q. Which side of the street ?

A. On the right hand side of the street, passing from the Grand down.

Q. That would be on the south side of Stevenson street ?

A. Yes, sir.

Q. Whose house was it ? Who lived there ? What was the woman's name ?

A. Mrs. Scott.

Q. Was she a white woman or a colored person ?

A. A colored woman.

Q. Did you go in the house ?

A. I did.

Q. Did you occupy the same room with them while they were transacting their business ?

A. No.

Q. You say you were sent there by Miss Hill ; what did she tell you to do ?

A. She sent me there for a bottle containing a liquid.

Q. Did you get a bottle ?

A. Yes, sir.

Q. How large a bottle ?

A. Perhaps a two-ounce bottle.

Q. A vial or a bottle ?

A. A vial—a two-ounce vial.

Q. How large a bottle ? Show me.

A. Perhaps that length (showing).

Q. As long as your finger ?

A. Yes, sir.

Q. Was there anything in it ?

A. Yes, sir.

Q. What ?

A. It contained a liquid ; I do not know what it was.

Q. What did you do with it ?

A. I took it to Miss Hill.

) ive it to her ?

A. I gave it to her.

Q. What did she say ?

A. I think the next day she came to me—

Mr. Tyler—I object to this. I would like to have this witness answer the question.

Py Mr. Barnes—Q. Did she ever speak to you about the bottle after you gave it to her ?

A. Yes, sir.

Q. When ?

Mr. Tyler—The question was: ‘When she gave it to her did she say anything?’ I submit she should answer that question.

Mr. Barnes—I will change the form of the question.

Q. After you gave her the bottle, did she ever speak to you about it ?

A. She did not that day at that time.

Q. When did she ?

A. The next day or two she brought it to me with instructions to take it back, saying that it was not as strong or highly colored as previously. It did not have the desired effect.

Q. Did you take the bottle ?

A. I did.

Q. Did you go to Mrs. Scott ?

A. I did.

Q. Did you give her the bottle ?

A. I did.

Q. What did you tell her ?

Mr. Tyler—I object.

Mr. Barnes—Miss Hill gave her instructions to take this bottle back and tell Mrs. Scott it was not as strong as the other, and was not the proper color, and did not have the same effect. I asked her if she told that to Mrs. Scott.

Mr. Tyler—We have no objection to that ; but you did not ask that before.

Mr. Barnes—I will ask the direct question.

Q. Did you tell her what the plaintiff had told you ?

A. I did.

Q. Did Mrs. Scott give you any message for the plaintiff ? State whether she did or not.

A. She did not.

Q. What became of the bottle ?

A. She took it into another room, and was absent some little time, and returned it to me.

Q. Did you take the bottle back to the plaintiff?

A. I did.

Q. What did you tell her?

A. I think there was nothing said. I simply handed it to her."

Mrs. Kenyon swears they visited Mrs. Wanger very frequently. Miss Hill was once occupied in stewing something in a sugar bowl, heated by an alcohol lamp, and Mrs. Kenyon inquired what it was. Miss Hill said, "I am making a charm for Mr. Sharon." She wore a day shirt of Mr. Sharon's as a night-gown for herself, and had a pair of his socks bound round her left leg, above the knee. Mrs. Scott says that Miss Hill made her acquaintance during this month, and applied to her for charms. Miss Hill told her the gentlemen she wanted to charm was Senator Sharon; that she had given him a charm furnished her by some other fortune teller, but it was too strong. It made him sick at the stomach, drowsy and cross, and caused constant twitching of the limbs! Mrs. Scott swears that Mrs. Kenyon came to her on Miss Hill's errands, and she tells the following astonishing story about a pair of socks.

"Miss Hill brought me a pair of socks.

Q. What kind of socks?

A. A kind of brownish-yellow striped socks, which I think they were brownish; they were with a red stripe in them, I think.

Q. Did she want you to do anything with them?

A. She wanted me to make a charm out of those.

Q. What did you do?

A. I took those two socks, and I tied the two toes together tightly, and I told her to take those socks, and dip it into brandy, and I ejected it myself around her left knee, and told her to wear it there.

Q. Were there any instructions as to how long they were to be worn?

A. Well, I told her she could wear them as long as she was a mind to; as long as she felt so disposed, till everything was quiet with her.

Q. Which leg did you tell her to put that on?

A. The left leg.

Q. What did you tell her that for?

A. Nearer the heart.

* * * * *

She paid me five dollars in money for what I had done. She talked very fast, and I have forgotten a great deal she said."

While the plaintiff was engaged in visits to fortune tellers, seeking consolation and escape from impending trouble, she also made frequent attempts to visit Mr. Lloyd at Nevada Block. Mrs. Kenyon says of one occasion :

" This visit occurred on Sunday.

Q. What occurred ?

A. She said I could stay about the hall or the corridor.

Q. Before you went down there, what occurred ?

A. She asked me to put on my things, and she would like to have me go to Mr. Lloyd's office with her.

Q. What did you do ?

A. I went.

Q. When you got down there, what did she tell you to do ?

A. She told me to walk around in the corridors for five minutes, and if she did not come out, I could go home.

Q. Did you walk around ?

A. I did.

Q. Did she come out in five minutes ?

A. At one time she did.

Q. I mean at that time—that Sunday that you went down there. I am talking simply about that occasion. If you do not remember, say so. When you say at one time she did, what do you mean ?

A. I mean that I went there three distinct times with her, and at one time she did not find him in. Twice she did.

Q. That is what you mean ?

A. Yes, sir ; on one of the occasions, as I said before.

Q. Now, having thought that matter over, can you tell us if that was the occasion when she came out in five minutes.

A. I can not tell you. I can not remember.

Q. Did you go home without her that Sunday or with her ?

A. That I can not tell you this particular Sunday.

Q. Then did you go there on other occasions ?

A. I did.

Q. How many times besides this Sunday ?

A. Twice.

Q. How long did she remain on the occasion of these other visits ?

A. Perhaps an hour and a half ; not to exceed that, I think.

Q. Did you ever have any conversation with her about this gentleman, and with reference to dining ?

A. Yes, sir.

Q. State what it was.

A. Well, on a few occasions ; she would go out about twilight, perhaps a little sooner, and come in and say that she had invited or had tried to have Mr. Lloyd take her to dinner with him, but he had refused by saying that he had an engagement, or he was too busy, or something of that kind. She said he could if he only would.

Q. How many times did you go to Nevada Block on Sunday ?

A. I went with her three distinct times.

The Court—On Sundays ?

A. On Sundays.

By Mr. Barnes—Now what was the longest time she was absent on any of these Sunday trips ?

A. Not to exceed an hour and a half.

Q. On the occasion that she stayed the short time you speak of and came home, did you have any conversation with her ?

A. Not in particular.

Q. You have spoken now of two Sundays particularly when they went there. I call your attention now to the third one.

A. Only one, begging your pardon. Only one that I have testified to, in regard to one Sabbath when she came home without seeing Mr. Lloyd.

Q. When she came home without seeing him, what passed when she came in ?

A. When she came home without seeing him ?

Q. Yes.

A. That is what I told you before—nothing special.

Q. When was the next time ?

A. The next time she was there, I left her there and came home.

Q. Before you went down to Nevada Block, who was at her room ?

A. Her grandmother came in.

Q. What occurred then ?

A. Her grandmother asked her where she was going. We were all ready to go out.

Q. Where had you arranged to go ?

A. Oakland.

Q. Before the grandmother came ?

A. We were all ready to go to the Nevada Block.

Q. Well, her grandmother came in ?

A. Her grandmother came in from church. Her grandmother asked her where she was going. She said, 'I am going to Oakland.' Her grandmother said, 'Who is going with you ?' She said, 'Mrs. Kenyon,' and excused herself and went out, and as we reached the door, she said, 'We will take the street-car in order that my grandmother may not see where we go.'

Q. Did you take the cars ?

A. We did.

Q. Where did you go ?

A. We went to Nevada Block.

Q. Did you leave her ?

A. I did.

Q. Where did you go ?

A. I went home.

Q. How long was she gone ?

A. Probably an hour and a half ; it may have been longer or shorter.

Q. When she came in, what did she say ?

A. She said, 'Oh, Mrs. Kenyon, he has met me so very cordially to-day.' She says 'Reuben, sweetie !' She says, 'How I love him ! I love him better than any person I ever saw. I would give up everything in the world I have if he could only be induced to come back to me again.' I said, 'Miss Hill, would you give up your money ?' as she represented to me she was very wealthy.

The Court—Never mind that.

A. I said, 'Would you give up your money and everything you have for him ?' 'I would.' 'Would you marry him ?' 'I would.' That was the conversation.

Q. After this conversation, was she out in the evening any time ?

A. Yes, sir.

Q. When did she go out, and when did she come home ?

A. She went out one evening ; she dressed herself with a great deal of care. When she came in she said, 'I have been to the Verein Club.'

Q. How long was she out that evening ?

A. I think she came in about eight o'clock.

Q. When she came in, what did she say ?

A. She said she had been dining at the Verein Club with Mr. Lloyd. That he neither went with her nor came with her, neither did he come down to the foot of the stairs with her. I said, ' Not a very great gallant, I am sure, was he ? ' She made no reply whatever.

Q. When you dined out of the hotel, where did you go to dine ?

A. At various places. Sometimes at the Bay Oyster House on Market street ; sometimes at the Antelope, and occasionally at Manning's.

Q. What was the first of these places ?

A. The Bay Oyster House.

Q. Where is the Bay Oyster House ?

A. On Market street.

Q. What part of Market street ?

A. Nearly opposite the Palace, I think.

Q. Where is the Antelope saloon, or dining house, whatever it is ?

A. Not far from there ; a few doors from there.

Q. Where is Manning's ?

A. On Pine street.

Q. On what part of Pine street ?

A. Near the market, or in the market.

Q. How near Nevada Block is that place ?

A. Not far.

Q. On your way to Manning's, what occurred, if anything ?

A. We went there to dine one night, and as we reached the door she says, ' Mrs. Kenyon, you go up ; I want to go into Mr. Lloyd's office,' which she did.

Q. How long did you wait for her ?

A. About an hour.

Q. After you went there, did you ever have any further conversation with her about your going abroad ?

A. Yes, sir.

Q. What became of that scheme to go abroad—if she gave it up, when was it abandoned ?

A. It was not altogether abandoned, I think, up to the time I left her, as she said her passes were good.

Q. What ?

A. As I know she said her passes were good up to the first of January. I asked her at one time if she had given up her Eastern trip. She said, 'Mrs. Kenyon, I do not know what to do.' I advised her to go. She said, 'If I stay here, people will talk about me. If I go, people will talk about me. And I think I will remain here and live it down.' And furthermore, at the same time, she said, 'I do not want to go and leave Reuben here.'"

Mrs. Kenyon also testifies to three different visits made to Mrs. Massey during this time.

About the first of October, after Miss Hill had been excluded from Mr. Sharon's rooms, but was still in the habit of secreting herself in them, climbing over the transom of his outer door, and behaving in the scandalous and reckless manner the evidence discloses, she sent for Mrs. Laws. Mrs. Laws found her in bed and in great distress. She wanted Mrs. Laws to do something to make Mr. Sharon marry her, alleging that she had had serious trouble with him, and that he would not receive her or see her.

About the same time, the negro woman, Mrs. Pleasance, who had been introduced to the plaintiff through the good offices of Mary Mangel, a servant occasionally employed by Miss Hill, says she found her weeping. Then Miss Hill told her about the marriage contract, but the witness never saw it until after Miss Hill's removal to Ellis street. This witness was a quasi-servant in the house of Mr. Thomas Bell ; she had just been introduced to Miss Hill by another servant. She possessed none of these "old-family-servant," "dear-old-nurse" claims to confidence with Miss Hill, about which so much has been said and so little proved. She first visited her for the purpose of making a sale of some luxurious articles of female underwear which she habitually peddled to the class of white women with whom she associated. While Miss Hill could not confide in her own brother, could not confide in Mrs. Hardenberg, but on the contrary, according to her own story, told Mrs. Hardenberg a se-

ries of willful and deliberate falsehoods ; while she had known Mrs. Laws well since 1878, and this lady had been her confidante in previous disastrous love adventures ; while she talked to Mrs. Laws about the way in which Mr. Sharon had jilted her, and wanted help to force him to marry her ; while she used similar language to Mrs. Massey and to Mrs. Scott, she revealed her secret marriage only to Mammy Pleasance ! It is astounding that she should have selected Mrs. Pleasance for her confidante—quite as remarkable as her selection of Martha Wilson and Vesta Snow for her confidantes in 1880. Will anybody tell me why it was that this unfortunate woman never confided the secret of her marriage to one respectable person of her own color, class or rank in life ? Why is it that to no one of the white people with whom she was acquainted did she make a statement in harmony with her testimony ? Why is it, on the contrary, that the statements she made to them, one and all, were absolutely irreconcilable with the existence of marriage relations ? What conclusion is to be drawn from such facts ? If your Honor shall be forced to believe that in other material matters Mrs. Pleasance has committed the grossest and most shameless perjury ; if we shall demonstrate that the miraculous “alibi” is the lying figment of her imagination, it will not be difficult to conclude that the story of the conversation between Miss Hill and Mrs. Pleasance in the Grand Hotel is false. Think of it ! This woman with a brother, a grandmother, an uncle and an aunt, reposes her confidence in the bosom of Mrs. Pleasance and only leaves her, later on, in the hour of her trouble, to repair to the squalid habitation of another negress on Mary street, to share her couch and enjoy with her the closest intimacy of thought and counsel. If we find her living in such associations, and bringing from them the only support of her wretched claim, there is but one conclusion : that there has been in her behalf deliberate, willful and corrupt perjury.

In October, Miss Hill said to Mrs. Kenyon. “I have given up my Eastern trip ; I intend to stay here and live it down. If I go, they will talk about me ; I will not go away and leave

Reuben Lloyd." Mr. Sharon was, however, not aware of the abandonment of the Eastern trip, for he writes to her, Plaintiff's Exhibit Thirty-seven, the fifth of October, 1881, which is the last of the "Dear Wife" letters:

"My dear Wife:—

Inclosed find five hundred and fifty dollars, which will pay expenses till I get better. Will then talk about your Eastern trip. Am much better to-day. Hope to be up in three or four days.

Truly,

S."

Mr. Sharon says the word "Wife" in this letter is a forgery; and in explanation of the language employed by him, said that there had been some conversation about settling with her and letting her go East. She urged the matter on him by note. He wrote this letter desiring her to wait until he was well, intending then to pay her in full, and definitely end the acquaintance. Mrs. Kenyon says that Miss Hill was absent from her apartments only three entire nights from the eleventh of September, 1881, to the day following Thanksgiving of that year, and that during this period Mr. Sharon never once visited Miss Hill! On Friday, the fourteenth of October, Miss Hill was out all night, and returned about nine o'clock in the morning, and told Mrs. Kenyon that she had secreted herself in Mr. Sharon's rooms all night long to see if he had any woman there. Could this excuse for such an irregularity have been true? If not, where was she? Mr. Sharon was then confined to his bed, exceedingly ill with a nameless disorder, according to Miss Hill's present imagination, and in a condition so alarming that on the first of November an operation was contemplated which was likely to cost him his life; so ill as to need the attendance of Drs. Zeile and Sawyer, the latter of whom says he was sleepless, suffering with rheumatism, and extremely feeble. She said that she had secreted herself in his room all night long, without his knowledge, for the purpose of discovering what female company, if any, he had: and to achieve this discovery, she left her rooms at about seven o'clock in the evening, and returned about eight or nine o'clock on the morning of the fourteenth! Miss Hill has produced a letter claimed to have been

written by Mr. Sharon at this time, but the date, as your Honor must have seen, is an interpolation. It bears no more resemblance to Mr. Sharon's handwriting than to your Honor's or mine. It says:

"My dear Allie:—

Enclosed find \$40. This busts me, and where to look for more is a puzzle. Will see you to-morrow.
SHARON."

The forgery of the date of this note we have just been reading, becomes more evident when we refer to that dated the fifth of October, in which he writes he is unable to see her, but hopes to be better in a few days. No part of the date of this note is in Mr. Sharon's handwriting. It is a scrap whose history has no known connection with any set of events, and while meeting the fact that by his orders she was not permitted to approach him, by the statement, "I voluntarily staid from his rooms during his illness on account of his condition—I was displeased and would have nothing to do with him," she yet, an instant after that, produces in evidence a little note, written on some long previous occasion, and alters or forges its date so as to show kindly communication between them as late as October, 1881.

Early in November Miss Hill woke Mrs. Kenyon at twelve o'clock at night, to go with her to Mr. Sharon's room. Mrs. Kenyon remonstrated, but the plaintiff, with that imperiousness which forms a part of her character, said, "I hire you; get up and go with me where I tell you." The old lady rose, clothed herself and toiled to the neighborhood of Mr. Sharon's door, where she left the plaintiff. She did not see her enter, but she says that the plaintiff came home the next day about ten o'clock, and told her that she had been sitting up all night with Mr. Sharon, settling their business affairs. This may have been the interview in which she demanded ten thousand dollars and he thought five thousand dollars was plenty; when they finally split the difference and she consented to take seven thousand five hundred dollars, go away from the Grand Hotel, and give him no further trouble. If this transaction is of the

nature and complexion which the defendant gives it, it is itself a final quietus to the pretense that this woman, up to this time, even though she was or ever could be the wife of William Sharon. It gives the death-blow to the proposition that she had in her possession this marriage contract and the "dear Wife" letters. Correspondence between them had ceased at this time. The very last note she had from Mr. Sharon was written and received in October, and he never paid her after this month, her monthly stipend of five hundred dollars. On the seventh of November, he settled with her for seven thousand and five hundred dollars. The plaintiff has vainly endeavored to escape from the irresistible effect of this settlement by an absurd tale of the delivery to Mr. Sharon of seven thousand five hundred dollars in the month of August, 1880, the falsity of which has been already demonstrated.

The wife of William Sharon, worth twenty millions, sat with him from midnight till morn, and accepted from him, in settlement of all claims and demands, the sum of seven thousand and five hundred dollars, which he paid by a check of three thousand dollars, payable to the order of S. A. Hill; by a note for one thousand five hundred dollars, maturing on the first of August, 1882, drawn to the order of S. A. Hill; and an agreement to pay three thousand dollars during the year 1883, in installments of two hundred and fifty dollars a month, payable to Miss S. A. Hill. All the documents were drawn to the payee in her maiden name.

I notice Judge Terry's peculiar and sceptical glance, and perhaps I understand the idea which is passing through his judicial mind when I take it to be the echo of what Judge Tyler has already said: this was not a settlement of claims and demands against him as his wife; it was a settlement of business matters between them! I agree that it was not a settlement of claims and demands against him as his wife, because she never dared present such a claim. She dealt with him as a woman who had been secretly associating with him for a stipend of five hundred dollars a month, which amount he had paid monthly up to the first of November, 1881, as the letters

in evidence show. In November they had a settlement, and he gave her seven thousand five hundred dollars to buy his peace. She promised, in consideration of this sum, to leave the Grand and forage upon pastures new.

How is the ordinary mind to look on this transaction? Is it to be viewed in the light in which the gentlemen on the other side claim that it should be regarded? That here was a woman who, before marriage, had intrusted to her husband seven thousand five hundred dollars, and who would come in for a share of his estate, to which this pitiful sum of seven thousand five hundred dollars was like a drop of water that hangs on my finger compared to the measureless volume that beats on the shore of the Pacific, yet who was in such a hurry for seven thousand five hundred dollars, that she takes from her husband three thousand dollars in cash, a note for one thousand five hundred dollars, without interest, payable to her in her maiden name, and a miserable stipend of two hundred and fifty dollars, scattered along through the year 1883! It seems to me I outrage the judgment of your Honor by dwelling upon a circumstance like this. Why should a wife be possessed with such anxiety to get so small a sum as seven thousand five hundred dollars from a husband who was about to die? Why should she, without question or murmur, if entitled at that time to the name she now claims to wear—"Sarah Althea Sharon"—give to her husband evidence which in itself an estoppel, under the law, upon her right to claim another? Evidence which denies that at this time she had any other name than Sarah Althea Hill. Yet she takes this money; she collects the three thousand dollar check, or procures its collection by her uncle; she takes the note for fifteen hundred dollars, drawn to her order; she takes a promise to pay her two hundred and fifty dollars a month during the year 1883, and, as Mr. Sharon says, then and there executed to him under her true name of Sarah Althea Hill, a release in full of all claims and demands from the beginning of the world to the day of the date of those presents. This, sir, is a case of anomalies. Of course, it is impossible for me to look into the mind

of Judge Terry, who is to follow me, and conjecture the course of his arguments, but the only way in which the ingenious minds of Mr. Tyler and Colonel Flournoy have hitherto endeavored to wriggle out of the predicament in which the transaction placed their client, is to say, that of course she dealt with Mr. Sharon in this way because the subject of the contract was her separate property, and that she was necessarily obliged to use her maiden name ! Why, sir, if the porter who sweeps out Judge Tyler's office has not managed to pick up more learning than this in his dust-pan, Mr. Tyler ought to be driven from the profession for not dropping more accidental law upon the floor as he walks over it. Did anyone ever hear of a proposition so inconsistent with ideas of business ? The explanation is more preposterous than that she should, though married to Mr. Sharon, sign receipts as Sarah Althea Hill, take notes and checks as Sarah Althea Hill, and continue to do so up to the very day before Neilson and Tyler had Mr. Sharon arrested in the Police Court. As I said before, there is not an idiot who sits gibbering and moving in an alms house, that would not be insulted by being asked to believe it. Mr. Sharon says :

"I offered her five thousand dollars : she said she owed Sloan possibly twelve hundred dollars, and she insisted on more money ; that five thousand dollars would not answer her purposes, and I then raised it to seventy-five hundred dollars. She said she expected to go East to study for the stage."

He adds : "This money was paid to buy my peace, so she would not annoy me, and I took a receipt in full, and she agreed to go away peaceably and not annoy me. I took a receipt from her, put it in my pocket-book and carried it in my overcoat pocket. I never saw it again. The receipt was in this form :

'Received from William Sharon seven thousand five hundred dollars in full of all claims of all name, nature or character.

(Signed) A. HILL."

He then expected her to go, but she still intended to remain as long as she could ! Perhaps she yet entertained some hope of being able to conquer him. Anyhow, we see that not only to external appearance did this man and this woman live as

single persons, but also in their most private relations, as far as the documents show, she recognized herself as Miss Sarah Althea Hill, and him as Mr. William Sharon, her debtor. Truly the secret of this marriage was well preserved!

Well, sir, she got her check for three thousand dollars, her installment note for three thousand dollars, and her note for fifteen hundred dollars, and bade him "good-bye." She said she could not find a suitable residence, and wished a few days grace, which were accorded her. During these she once asked leave to visit him. He consented. He was then a great invalid. She called on two or three occasions between the seventh and the eighteenth, and on some one of them, this receipt was taken from his pocket. On the eighteenth he missed it. He hunted everywhere for it, uselessly, and while he was angrily prosecuting his search, she sauntered in. He swore at her and accused her of stealing it. She made no reply, but ran away. Mr. Sharon immediately sent for Mr. Thorn, and directed him to give her a peremptory order to leave the house. Her pretended explanation of his conduct is that he accused her of taking some papers relating to the Belcher Mine, and of prying into his private business affairs. Mr. Sharon says he never made such an accusation; he never knew that she had or claimed to have such documents except through Neilson's publication in the *Examiner*, in September, 1883. Certainly nothing is produced. Your Honor knows how strenuously we endeavored to see those Belcher papers, to discover whether she did have any such documents; a point concerning which we are now as much in doubt as we were when we commenced the trial. Counsel evaded their production, though Mr. Sharon positively swore that he knew nothing about them, never suspected she had taken any, and does not know that she did so. He denies having asked her to sign any paper save the receipt in full of all demands, upon payment of the seventy-five hundred dollars; and the moving tale she writes the Reigarts, and which she attempted to repeat here with such poor success, to the effect that he commanded her to sign a paper which would morally and socially ostracize her, is not only a falsehood if he

speaks the truth, but, put side by side with the known fact of her acceptance from Mr. Sharon of seventy-five hundred dollars in the form in which it has been evidenced, is wholly inconsistent with her theory of the quarrel; wholly inconsistent with the use of her own name in the business transaction. We endeavored, as I say, to persuade the Court to order the production of those mythical Belcher papers, concerning which she says:

"Mr. Sharon left them in my room, and I went through all this trouble. I was turned out of the house for having in my possession Belcher papers, which I did not know I had until I got in this house on Ellis street."

Still, though knowing that they were Mr. Sharon's, though her relations with him were then peaceful, she follows the counsel of Mammy Pleasance, and keeps illegal possession of these papers, to which she had no title, and which related to his private business; papers which were the sole cause of her alleged difficulty with her husband, and of which we have not been able, up to this hour, to obtain an inspection. Does your Honor believe she has any such documents?

On the nineteenth of November, 1881, Mr. Thorn notified her by letter to leave the Grand Hotel. Mr. Tyler, in commenting on what he seemed to think was my opening of this case, said that I had falsely characterized this as a letter which no lady could receive without indignation. Of course, I am not responsible for the abnormal density of a hide which finds nothing in such a letter to arouse the indignation of a wife. I am not responsible if he fails to find in this letter, addressed to a woman, nominally unmarried, and living in a hotel, the grossest intimations of impropriety and misconduct. Please listen to it. Mr. Tyler thinks it is a polite, kindly note, at which no lady would have a right to be offended. I read defendant's Exhibit No. Six:

"GRAND HOTEL,
S. F. Thorn, Business Manager,
San Francisco, Cal.

NOVEMBER, 19th, 1881.

Miss S. A. Hill—

Dear Madam :

As we wish to otherwise occupy
room 208 on December 1st, prox., you will please select another
residence, and give us possession on that date, and much oblige
yours,

S. F. THORN,
Business Manager, Grand Hotel,
San Francisco."

I do not know what more Mr. Thorn could write unless he
added language decidedly unparliamentary. If this is not the
most unequivocal announcement of a determination to get rid
of an obnoxious boarder, I do not know what could be. But
Miss Allie Hill so regarded it. Mrs. Kenyon says that the letter
was brought to the room in the morning, before Miss Hill rose.
She went to the door, took it in, and delivered it to Miss Hill.
She opened it, read it, bounded out of bed, put on her wrapper,
and hastily wrote a note to Mr. Sharon. Evidently it pene-
trated to the inmost recesses of her sensations. We have her
letter:

"Mr. Sharon—

I have received a letter from Mr. Thorn in re-
gard to my room. Of course, I understand it is written by
your orders, for no human being can say aught of me except
with regard to yourself." * * * *

What did she mean? Judge Tyler shouts, and Colonel
Flournoy echoes in his graceful way "read it between the
lines." What then does it say when you read between the
lines? It says:

"Mr. Sharon—

Mr. Thorn has ordered me out of the house.
I have behaved myself since I have been here, except that I
have been your mistress. I have had nothing to do with any
other man." * * * *

This is the plain meaning of her language. Will your Honor
now call to mind her letter to Mr. and Mrs. Reigart of the

twenty-fifth of September, 1883, in which she says that the sole cause of trouble between herself and Mr. Sharon was that she refused to sign a paper which would have morally and socially ostracized her, and that it was for this refusal that he threatened to put her out of the hotel, and that her reply to his threats was, "You can send me to the bottom of the ocean, but I will never sign away my rights or anything that will brand me with shame." According to this letter, she was a deeply wronged woman. He required of her an act at which her very soul revolted; she would sooner be put from the hotel and wander as homeless as Hager, rather than sign such a paper! Now listen to what she writes at the moment, and consider, if you can, whether there is any system known to mathematics, from simple addition to quaternions which can measure the colossal, over-spreading magnificence of the falsehood contained in the letter to the Reigarts! She writes to Mr. Sharon:

* * * "You are wronging me, so help me God, you are wronging me. I am no more guilty of what you have accused me than some one who never saw you, and would you, who asked me to come to this house, whom I have been up with nights, and waited on and cared for, and would have done anything on earth to help you, be the one to wrong and injure me, a man whom the people have placed enough confidence in his honor to put him in the United States Senate, to stoop to injure a girl, and one whom he has professed to love?"

This, Mr. Tyler says, and Colonel Flournoy sweetly echoes him, is a letter to a husband from a wife deeply outraged by a demand that she should surrender all that made life valuable to her, in return for a love which had already compromised her honor in the eyes of the world, and beaten down the scruples of the religion of her childhood.

They say, as they have always said, whenever these unanswerable facts have made their appearance, "Lay aside all your knowledge of human nature, and believe that there exists in the shape of Sarah Althea Hill a newly revealed species of woman, such as we alone know of, full of quick feelings and passions scarcely controllable; whose impulses sweep her like a torrent; who knows no reason and acts only by instinct;

who, when ordered to leave the house which was her home, where she had the right to be maintained and supported, would say to the man who had endeavored to make her surrender her marriage contract, throw away her only anchor and drift a helpless wreck on the sea of life, ‘ I am no more guilty of what you have accused me than some one who never saw you. And would you be the one to stoop to injure a girl and one whom he has professed to love ? ’ ”

Did this unfortunate creature, at that time, have in her possession her marriage contract and these five “ dear Wife ” letters ? Could any woman write that letter, who held in her hand a marriage contract, and repeated evidence in black and white of her husband’s recognition of her wifehood ? No, sir. It is not possible. I do not *know* what she would have written under such circumstances, but I can easily frame a letter from one situated as it is claimed she was. She would have said :

“ My dear husband :—

The manager of your house has just written me a most insulting letter, demanding that I should leave our home on the first of December. You know the circumstances under which you led me into marriage. You know how fond your protestations were ; how I laid aside the principles of my religion and early training, the ties of family and friends, to be your wife, though in secret. You know that I consented to a life of apparent concubinage with you for two long years, hoping that you would at last acknowledge the crown of wifehood on my head ; where it has rested invisible to the eyes of man, though seen day and night by the eternal God who witnessed our nuptials. You have kept me in attendance on you in sickness and in health. In the sunlight and the dark I have walked with you. The friends of my youth have turned their backs upon me ; society has cast me out as something not fit to be touched by the good and virtuous. But I have borne all in silence. I have received from you a miserable pittance for my support. Now, because you accuse me wrongfully of having taken out of your room three or four old papers relating to the Belcher mine, you have ordered your lackey to turn me into the street. William, this is an outrage I will not endure. I will not go. Attempt to compel me, and I will give the story of the wrongs you have inflicted on me to the world. I will tell my brother Morgan, who, like

me, is descended from one of the first families of Cape Girardeau in the State of Missouri; I will tell my uncle Sloan; I will tell my friends; and what is worse for you, I will tell all your enemies, and you shall do me justice; dare to put me out of my home, dare to attempt it, and I will pull the very pillars that sustain the Palace Hotel about your ears."

Such would have been the outpouring of the soul of a woman thus wronged and outraged. This is in substance, what she says instead:

"Mr. Sharon—

I have been a good woman since I have been in this house, and except for my illicit relations with yourself, no human being can say aught against me. You asked me to come here, and now are you about to injure me, a girl whom you have professed to love?"

Your Honor is asked to construe this epistle as though it were an indignant and passionate outburst of a woman who had been deeply wronged in her courtship and marriage, and whose husband was now about to add the crime of social murder to the deep and deadly social wound he inflicted on her when he married her. Oh no, sir; the tongue has yet to be born; the mind has yet to be created that can make any human being believe that at the time when this woman wrote this letter she even dreamed that she was William Sharon's lawful spouse, or even fancied there was left her a lingering hope that he would ever make her his wife. But sir, he did not answer. He sent for Mr. Thorn, showed him her letter; told him he wanted his orders enforced; that whatever happened he would no longer endure Miss Hill's presence in his hotel, and she must go, peaceably if she would, forcibly if it need were.

Receiving no reply, Miss Hill wrote him the following letter:

"My dear Mr. Sharon—

I have written you two letters and received no reply, excepting to hear that they have been read and commented upon by others than yourself. I also hear you said you were told that I said I could and would give you trouble. Be too much of a man to listen to such talk, or allow it to give you one moment's thought. I have never said such a thing,

or have I had such a thought. If no woman ever makes you any trouble until I do, you will go down to your grave without the slightest care. No, Mr. Sharon, you have been kind to me. I have said I hoped my God may forsake me when I cease to show my gratitude. I repeat it. I would not harm one hair of your dear old head, or have you turn one restless night upon your pillow through any act of mine. If you are laboring under a mistake and not bringing the acquisition for the purpose of quarrelling with me, the time will come when you will find out how you have wronged me, and I believe you too much of a man at heart not to send for me, and acknowledge it to me. But in your anger you are going to the extreme. I have no way of proving to you my innocence, but God knows I am innocent, as much so as your own daughter who is now in England. But when I say you are going to the extreme, I mean by calling Thorn or any of your relatives or outsiders, and letting them know of your anger. It simply gives them an opportunity of saying ill-natured things of me, which are unnecessary. Mr. Sharon, I have never wronged you by word or act, and were I to stay in this house for a thousand years, I should never go near your door again, until you felt willing to say to me you knew you had spoken unjustly to me. You once said to me there was no woman that could look you in the face and say, 'William Sharon, you have wronged me.' If that be the case, don't let me be the first to utter the cry. I had hoped to always have your friendship and best will throughout life, and always have your good advice to guide me, and this unexpected outburst and uncalled for actions was undeserved. If you would only look at how absurd and ridiculous the whole thing is, you surely would act with more reason. Why should I do such a thing, and what was I to gain by doing so? Pray give me credit for some little sense. I valued your friendship more than all the world. Have I not given up everything and everybody for it? And one million of dollars would not have tempted me to have risked its loss. I feel humiliated to death that Thorn or anyone could have it to say I was ordered out of the house. I have a world of pride, and I ask you to at least show me the respect to let Thorn have nothing more to say or do in the affair. I have always been kind to you, and tried to do whatever I could to please you, and I hope, at least in your unjust anger, you will let us apparently part friends, and don't do or say anything that could create or make any gossip. Think how you would like one of your daughters treated so! If you have any orders to give,

or wish to make known—make them known in any other way than through your relatives or through Thorn. Don't fight me. I have no desire or wish to in any way be unkind to you. I have said nothing to anyone about the letter I have received, nor do I wish even to speak to Thorn on the subject. You have placed me in a strange position, Senator, and all the pride in me rebels against speaking upon the subject. I have been looking at some very nice places, but I cannot get them until some time during the coming month, so if you still desire me to go away, make it known to me, and I will obey you.

As ever, A."

This letter is what might be termed, in western phrase, a "sockdologer." There is no answer to it; and there is nothing to be said about the way her counsel has treated it, except that the boldness with which they have rushed at it has only been equalled by the ignominious manner in which they have lain down when they have reached it. They pretend that this is a letter befitting a wife who writes to her husband under such circumstances; who has received no reply to her former protests; who has been treated with silent disrespect and disdain; a wife indeed! Yet one who makes no allusion to such a relation; who declares that she has hoped to have his friendship throughout life; protests that she values his friendship and has given up everybody and everything for it; that her only wish is to leave the hotel so as to create no gossip; that she is ready to go, and only asks for time to select a residence, and is content to waive even this request, if her lord so wills it. Is there a woman alive, a woman ever to be born, between to-day and the time when the sun himself shall grow old with age, when his light no longer shall shine over the Eastern mountains, or his golden beams linger at the gates of the West, who would write thus? Has the like ever been seen in Heaven above, or in the earth beneath, or in the water under the earth?

It is miraculous that these letters were preserved. Out of the mass of waste paper which accumulates in the apartments of one whose business is as multifarious as Mr. Sharon's, these letters rise as if from the grave itself. She never expected to

meet them. She had forgotten them; and if they had not confronted her, we should have encountered spurious communications like that letter of June, 1882; though instead of being written under the advice, and with the assistance of her privy counsellors, Miss Nellie Brackett and poor Frank Rodney, they would have been indited under the suggestions of her Prime Minister, Mrs. Pleasance, who would have verified their contents! The plaintiff was driven from that refuge by the presentation of these documents, and has been speechless and confounded in their presence; and the questions which they suggest are disposed of by Mr. Tyler and Colonel Flournoy, each in his own original way; the one by loud-toned blustering demands; the other by suave and courtly petitions that your Honor should take these damning letters and "read them between the lines."

Pending this correspondence and the first of December, Ki says that Miss Hill met him in the hall and told him that she did not know why Mr. Sharon treated her so badly. She asked Ki the reason, and he replied: "Well, I hear Mr. Sharon say you been steal his paper and he don't want you come any more." She declared her innocence of any such charge. Mr. Sharon had said to Mr. Thorn, "Let her stay in the hotel until she can get some place," but she found no abode and remained. About the first of December she had a spring lock put on the door, and maintained her room like a fortress. She was alone. On the day after Thanksgiving Mrs. Kenyon had left Miss Hill. Mrs. Kenyon states that Miss Hill and herself had been the sole occupants of the room, and that during all the time she was there she never had seen Mr. Sharon in them, and Miss Hill herself had been out but three nights during that whole time; that Miss Hill never went to Mr. Sharon's room for breakfast, lunch or dinner, but that she and Mrs. Kenyon ate together; and how they did skirmish for meals! Mrs. William Sharon goes for her dinner on one day to the Antelope Saloon; on another day to the Bay City Oyster House, and on another day trips down to Manning's cheap restaurant; and sends an old lady, seventy years of age, to get a twenty-cent breakfast of bread and cof-

fee for the pair! Miss Hill ended by grossly insulting Mrs. Kenyon after having used her, abused and starved her on ten dollars a month, from September to the close of November, and she left her; and now, the old lady tells the story of her acquaintance with the plaintiff, and out of charity for Miss Hill, and more, in my judgment, out of respect for herself, fails to tell a great deal she might have told. The only answer her employer can make to one who has led a life of integrity, and occupied positions of trust and responsibility, such as that in the great school at Benicia, and that in Rev. Mr. Brewer's school at San Mateo—a dignified, modest lady, who is far down the vale of years—is that she once attempted to steal a small silver-plated mustard pot belonging to the Palace Hotel. The old lady explains this slander by saying: “I did have the mustard pot; I was going to Mrs. Hardenberg's and Miss Hill liked mustard as Mrs. Hardenberg prepared it; she told me to clean this little pot and take it there and get some mustard for her” But anybody who incurs the wrath of Miss Hill is guilty of some criminal act. Mr. Burchard, to whom she lent two hundred dollars, stole three hundred dollars; Nellie Brackett quarreled with her, and accordingly was charged with stealing her papers. My impression is that your Honor's judgment of Mrs. Kenyon's testimony will not be very greatly modified by this petty falsehood, so puny in comparison with the gigantic lies that bristle before us at every turn of this history.

Mr. Thorn says that after the first of December, 1881, he held no communication whatever with Miss Hill; though once, after she had been notified to leave the hotel, she was standing in the door of the hall of her apartments and said to him, as he was passing, that she had paid no attention to his letter, because it might be arranged in some other way; but he made no reply and went on. She held the fort in this vain hope until the fifth, when Mr. Thorn's men finding ajar the door of the outer hall that led to her room, removed the door from the hinges, took up the carpets in the little hall, loosened the carpet in the parlor, and notified her then and there that they were going to clean that room out and her with it. Her note

to Mr. Sharon, which I will presently read, confirms Mr. Thorn's testimony. Can you imagine conduct more deliberately insulting? Is it possible that rudeness could be more decisively marked? Is it probable that any woman of any character would not be angered to the highest degree by such contumelious treatment? So she was. She was as angry as she could be; and when I say that, I say all that need be said! Sarah Millett spent the night with her. There was no key to the inner door, and they were compelled to put a trunk against it to keep it closed. Mrs. Millett says that Miss Hill slept very little, and walked the floor more than half the night. She cried, she wrung her hands, she loudly denounced this outrage, as she termed it. She charged it to Mr. Sharon's unreasonable anger, repeatedly called him a brute, reiterated to Mrs. Millett the old story that he had wanted to marry her the night before he went to Washington, and that she was sorry she did not accept his offer! Miss Hill swears she returned from a visit to her grandmother, and found her room in the state of disorder I have described, and deserted by her terrified maid; that she went that night to Mr. Sharon's room and could not obtain an interview; that she hid in a closet in one of his apartments, determined to see him; that Ki found her there; that Mr. Sharon ran in fear down the hall towards the elevator, and left her in possession of the field; that later she spoke to him through the closed door of his parlor; told him she did not like to be so treated; that she would do anything but sign that paper which ostracized her socially and morally, if he would only rescind his order. Mr. Sharon says there is not a word of truth in this statement; but she did write a letter to him that evening. It is in evidence, and flatly contradicts her testimony. It expresses the utmost anguish such a woman was capable of feeling. She now says her first and the second letters were written under the advice and counsel of Mrs. Pleasance. This one appears to have no other parentage than that of her own unassisted brain. Permit me to read it:

"My dear Mr. Sharon:—

I can't see how you can have anyone

treat me so. I, who have always been so good and kind to you. The carpet is all taken up in my hall. The door is taken off and away, and it does seem to me terrible that it is you who would have done. I met Mr. Thorn in the hall as I started to come over to see you, and asked him if you had order such a thing done, and he said that I must move out; that it was your wish. I told him that I had written you a not, when I received his and told you if you wished me to go to send me word, for it was not convenient to get the place I wanted until some time in this month. He said that you had told him to see that I went, so I said no more, but came over to see you. Oh, Senator, dear Senator, don't treat me so. Whilst everyone else is so happy for Christmas, don't try to make mine miserable. Remember this time last year; you have always been so good. You don't act so. Now let me see you and talk to you; let me come in after Ki has gone if you wish, and be to me the same Senator again. Don't be cross to me; please don't. Or may I see you if only for a few minutes. Be reasonable with me and don't be unjust. You know you are all I have in the world, *and a year ago you asked me to come to the Grand. Don't do things now that will make talk.* You know you can find no fault with me. May I see you for a few moments, and let us talk reasonably about all this? I know you will. I know it is not in your nature to be so hard to one that has been so much to you: don't be unjust; say I may see you."

It was useless. Is it strange, knowing what we now know, that he was obdurate and beyond the reach of entreaties? He had hunted her out of closets and she had come bouncing over the transom. She had drugged him, teased and annoyed him in his sickness, threatened to expose him, threatened to commit suicide, extorted seventy-five hundred dollars as the price of his peace, and stolen the release she had given him. He could and would endure her no longer, and paid not the slightest attention to her letters. She stayed in the Grand Hotel that night, and the next day packed her trunk and left, omitting to pay her bill. As the expressman was taking her luggage, Mr. Thorn stopped it until her bill was paid, which amounted to only eighty-seven dollars and fifty cents. She says she went that night to her grandmother's house, and whatever happened there we do not know, but this visit was short, if not sweet.

The next day she went to Martha Wilson, who lived with her husband in two little rooms on Mary street, and actually went to bed with this negress while her husband slept on the lounge; and then she deposited these sacred muniments of her title to my client behind a looking-glass in Martha Wilson's bedroom, and went to San Jose, where she remained a week, and on her return took another refreshing sleep for a night or two with Martha and Robert, and then went to housekeeping. What a picture!

Reviewing these historical facts, let me inquire with the Surrogate in *Cunningham vs. Burdell*: "Were these two persons standing at this point of antagonism, husband and wife? Were they mutually conscious of a lawful marriage?" Here was a woman of energy enough to pursue Lloyd with the scent of a bloodhound, of desperation enough to attempt suicide, of skill enough to commit larceny; cunning enough to climb through transoms and hide in closets; unscrupulous enough to stoop to the deliberate invention of the fabulous stories of this year 1882; brazen enough to face the public obloquy of a supposed meretricious relation with her husband; a woman who is alleged to have had at this time in her hands a marriage contract, and these letters establishing her right to a joint estate with him in common property, an indisputable title to abide in his house and receive his maintenance and support; able at any moment to proclaim her rights to the public, and enforce them before the tribunals of justice; and yet in the moment of passionate expostulation against her husband's cruellest wrong, she wrote letters which contain neither the sound nor echo of wifehood, but rather proclaim the existence of a relation wholly inconsistent with wedlock. The story is impossible, unnatural, incredible. Its falsity strikes the mind with irresistible force. Her crimes were, in the hour of their birth, stricken with the palsy of death. They are now buried so far beneath the ground that the trump of an archangel, or even the lungs of him who precedes me can never start them from the corruption of their sepulchres to draw again the breath of guilty life, and the grave that holds this buried

corpse of pretended marriage is filled. Let those of its advocates who will, heap up the funeral mound and above it plant rosemary for remembrance !

Now, sir, we enter on a new era, during which Mr. Sharon never wrote Miss Hill a single note, and never visited her. She swears, however, that she received verbal messages from him by Ki; which Mr. Sharon denies sending and which Ki denies carrying; and notably, one in the Spring of 1883, said to have been transmitted by Miss Brackett, which Mr. Sharon also denies, and to which I will later refer. If there was visiting it was wholly from the side of Miss Hill, while the first letter Mr. Sharon received from her, and which is here produced, was written about the first of August, 1882. This last manifestation of wifely devotion will receive due notice in its chronological order. She had received three thousand dollars in cash in November, 1881, and it apparently lasted until the sixteenth of June, 1882, when she asked Mr. Sharon to advance money on the note for one thousand five hundred dollars, which, as your Honor remembers, did not fall due until the first of August following. In the meantime, and until the middle of April, 1882, Miss Hill was keeping house at 822 Ellis street. She does not pretend that Mr. Sharon visited her there, and he swears he did not know where she was. About the time she moved to this place she made the acquaintance of Mrs. Brackett, a lady whose husband was formerly in business in San Francisco; but who then was in reduced circumstances, and kept a boarding house at 824 Ellis street. Miss Hill asked her for meals for two or three day, until she could secure a servant. Mrs. Brackett assented and provided her meals for a fortnight; and here Mr. Frank Rodney came upon the scene. He says that on the fifteenth of December, 1881, he joined Miss Hill on Ellis street, and saw the marriage contract during this month. No doubt your Honor thought, as did everybody else, that it was a remarkable circumstance that this boy, whose wits are not too far above the average, should have been taken into Miss Hill's confidence in December, 1881, when her brother Morgan, though living with her in the Grand

Hotel, was never shown the contract nor consulted about it, nor were any other of her relatives informed of its existence or of the fact that she was married. When we remember that this was one of the first families of Cape Girardeau in the State of Missouri, we may be sure that, if any of them had seen it, respect for the family would have induced them to insist upon the recognition of her rights. They would have understood the snare into which this innocent and confiding girl had been led, and would have been her friends and quick avengers. Mr. Morgan Hill appears to have avoided her. He had good reason. He knew with what he had to deal. Nobody understood better than he what this woman was. He was struggling as best he might to avoid seeming to cast her off; he realized, as many another man has realized, the misdeeds of a wayward sister; but never interfered, because the moment he moved, he knew that he would fall into a quagmire from which there was no extrication.

Mr. Morgan Hill is an intelligent, upright gentleman, as I have always been led to believe; and is married. There is nothing to be said against him. He is a partner in a respectable firm. Who shall be heard to say that he would have tolerated such treatment if he had suspected his sister was honestly married? Why, sir, her husband's life would not have been worth a dollar's purchase, without atonement full and publicly made. But her brother had followed her through her amatory pursuit of Mr. Lloyd; he had known her career, and he was compelled to suffer in silence. He let her alone then, just as he has let her alone during this controversy. He dared not, he could not, take sides with her, because he knew she was wrong. He knew she was utterly reckless and impervious to his influence and entreaty. He could not side against her or tell all he knew, because she was of his blood; yet he has ignored her as far as he could; and one of the most significant circumstances in this case is, that the only friends who have been with her in this controversy, have been her alleged boy-cousin Rodney and the old negro woman, Mammy Pleasance, Mr. Tyler's ideal angel!

If Miss Hill's own people, cursed with this black sheep had entertained the slightest thought that she was right, they would have surrounded her by day during the progress of this struggle and supported her by their encouragement. But they have left her to the support of such a renegade clerk of Mr. Sharon as the Reverend Mr. Cushman, half preacher and half politician; they have left her to men in their dotage, like Samuel Soule; they have left her to the countenance of her lawyers, who have discharged their duty towards her, in court and out, with a fidelity she does not deserve, and which is indeed worthy of a far better cause.

During this month Miss Hill met Mr. Robbins at the corner of Post and Geary streets, and took a walk with him. She said she had left the Grand Hotel, had bought a house on Ellis street, and was living there; wished to know if he was familiar with the law in regard to breach of promise of marriage; asked what evidence would sustain such a case; and after some evasion said she thought of bringing such an action against Mr. Sharon, and had letters from him which would warrant it; but said nothing of her leaving the Grand Hotel in trouble. Mr. Robbins has been very fiercely attacked by Mr. Tyler, but there is nothing in his testimony improbable or unreasonable. That he had been acquainted with Miss Hill for a number of years, and they had common friends, we know. There was at that time a bitter enmity between him and Mr. Sharon, and she knew that in talking to Mr. Robbins she was talking to Mr. Sharon's mortal foe. She knew she was approaching a man who, if there was a ghost of a chance to get Mr. Sharon into trouble, would seize upon it in the future as he had in the past. She told him her story but he declined to assist her. It is unnecessary to say that if Mr. James J. Robbins could see nothing in a prospective fight against Mr. Sharon it was because it could not be made visible to the naked eye.

This historical narration disposes of the year 1881. I re-

spectfully inquire if during this year your Honor has discovered the slightest indication of the fulfillment of the statutory injunction that those who have consented to be married without solemnization, must assume and perform the rights, duties or obligations of marriage? Is there any known fact or circumstance occurring in this year, which does not point with "slow, unerring finger" to the real relations between them? Does any proven fact tend to establish that Miss Hill had a marriage contract with this defendant, and five "Wife" letters in her possession? On the contrary, does not all the correspondence, with the exception of the five words "Wife," each claimed by us to be interpolated and forged—prove the character of their relations, and betray them so plainly that there can be no possibility of mistake?

In January, 1882, Miss Hill, though anchored in this Ellis street house, applied to Mrs. Pleasance to furnish a house for her use. The latter naturally wished to know where the money to pay for this setting out was to come from, and in order to prove that she could provide the means, Miss Hill showed her the marriage contract. Why should Miss Hill exhibit this document for such a purpose? If she had shown the note for fifteen hundred dollars, due in August, 1882, and the note for three thousand dollars, falling due in 1883, there would have been some sense in the exhibition. But these securities Mrs. Pleasance does not pretend to have seen. After Miss Hill had made profert of the marriage contract, Mrs. Pleasance called on Mr. Sharon and asked him about Miss Hill's *finances*, but said nothing to him about the *contract*. Mr. Sharon says that early in 1882, Mrs. Pleasance, whom he did not know, called at his office, introduced herself, and asked him whether he owed Miss Hill any money? He says that he treated her cavalierly, and made no direct response. Mrs. Pleasance says, in substance, that she told him Miss Hill desired her to furnish a house; that she had said that he had relations with her and owed her money; Mrs. Pleasance then asked him if it would be all right if she did so, and he replied that if she brought an order he would pay it; but she says,

"I said nothing to him about the contract." She says she saw him again at the Palace Hotel, where she called to ask if it was true that he was going to furnish a house for Miss Hill on Golden Gate Avenue. Miss Hill had probably told her some such story. He said then that he did not wish Mrs. Pleasance to mention Miss Hill's name to him; that she was a bad woman, and he would have nothing to say about her, and knew nothing of her. Mrs. Pleasance also testified to an interview with Mr. Sharon since this suit was brought, in which she told Mr. Sharon that Captain Lees asked her how the contract read, but she had declined to speak of it. Mr. Sharon asked how the contract read when she saw it, but she would not tell him. Your Honor will bear in mind that this conversation is alleged to have occurred after this litigation had commenced. "I said to him," says Mammy Pleasance, that "Miss Hill told me to tell him disrespectful people she would not go to, and respectable people would not have her; he had placed her so bad in society, she would like to have him place her right in society, where he found her, give her a divorce, and give her money back, and she would give him no further trouble." She was asked: "What reply did he make to that?" And I call your Honor's particular attention to her answer: "*I think he only told me he would have nothing more to do with her, and that she was a very bad woman. I think that was what he said. He also read to me the letter that she wrote him after she was ordered to leave the Grand Hotel.*" Such was this negro woman's testimony on Tuesday, the eleventh day of March, 1884; but on the twenty-third day of July following, Mrs. Pleasance again mounts the stand as a witness for the plaintiff and pretends to repeat what occurred at this last interview. Instead of saying as before, "He told me she was a very bad woman," etc., she actually says: "*He said she had stolen money from his pockets and had stolen some Belcher papers; and he said she had never been true to him since the 'contract' was signed. He said he could bring a dozen men to swear she had not been true to him.*" Mrs. Pleasance endeavored to make your Honor believe that Mr. Sharon, after he had commenced litigation with the plaintiff upon the question whether he was married or not, the very existence of

wifehood being in issue before the courts, said to her, the known friend and adviser of Miss Hill, that she never had been true to him a day since the contract was signed! She is the best all-round witness Mr. Tyler had. She is a glorious old woman. I do not wonder he loves her. I am not surprised that he has canonized her. She was on the witness stand five times and uttered five "well defined and separate" lies. She proved the existence of the contract in 1882. She established Mr. Sharon's admission that he owed Miss Hill money, and actually obtained from him the confession, after he had been arrested, that this contract of marriage had been executed. She has impeached Sarah Orr; she has impeached Mr. Reed; she has impeached Mrs. Kenyon, and she has impeached Miss Brackett. She has proven the May-Day alibi to the best of her ability, found a home for Bertha Bornestein's baby and contradicted the defendant on every vital point in the case. A very useful woman! She has produced a noble army of martyrs in the cause of Miss Hill: Thomas Bell, her master; Rachel Brown, her seamstress; William Brown, Rachel's brother, on whose Notarial bond Mammy figures for five thousand dollars; Sarah Jane Cary, formerly cook at Bell's, and now cook at Molly Hudson's bagnio; Professor Edward Cains, one of her proteges; B. Dobson, Mr. Thomas Bell's coachman, who has known Mrs. Pleasance since boyhood; Miss McHale, the nurse of "the twins;" Eliza Jane Seth, another dependant, and Mrs. Emma V. Sterrett, a seal-skinned, be-diamonded white woman who stood up here and said that Mammy Pleasance had been a mother to her, and had looked after her all her life; and finally, Mrs. Weile, her lieutenant in her philanthropic schemes of finding homes for babies. I do not wonder Mr. Tyler expresses such sentiments of affection towards Mrs. Pleasance. Where would he have been without her?

During January, 1882, while Mrs. Pleasance was endeavoring to learn whether Miss Hill had the ability to pay for household furniture, Miss Hill sent her cousin Rodney to find Mrs. Smith, the lady who had nursed her when sick from the effects of the poison taken in 1880; and in response to her summons

Mrs. Smith called. Miss Hill proposed to her to take rooms in her house, as Mr. Sharon desired it, and that she could have them for nothing! She said she still expected to marry Mr. Sharon, and Mrs. Smith told her it was all right if she did, but declined her generous offer. The interview was short, and Mrs. Smith promised upon leaving, to call again. What motive had Miss Hill for this proffer? Why should she speak in this way to Mrs. Smith, who was a respectable white person, at the very time when she had shown her contract to Mrs. Pleasance and Mr. Rodney? If they could see it, why should she not show it to Mrs. Smith? What did she want of her? Let me state the probable motive: She saw that Mrs. Smith was a bright, shrewd woman, of apparently good character, though involved in pecuniary trouble. She was looking out for a confederate; she was searching for some white person who would league with her. She tried Mrs. Smith and failed. The next victim was the Brackett girl; and upon her she accomplished her designs. Yet Miss Hill says that all of these interviews to which Mrs. Smith has testified, never occurred; that they are all pure fiction. Your Honor must remember the appearance and manner of Mrs. Smith, and will be able to say who is entitled to credit—Mrs. Smith, who narrates numerous interviews and conversations with the plaintiff, or the plaintiff, who disposes of her with a sweep of the hand, saying, "I never had anything to do with her, and her whole story is a falsehood."

Mrs. Smith, upon Miss Hill's request, made a second call in January, but nothing particular occurred, and she went away.

About this time Delia Manning, whose dubious testimony will be considered later, became an inmate of Miss Hill's house. She was soon sent to Sarah Millet with a message from Miss Hill. Sarah went to the Ellis street house, and Miss Hill begged her kind offices to persuade Mr. Sharon to marry her and promised her a house and lot as a contingent commission for services as marriage broker. She sent for her a second time by the same messenger, and had a similar conversation. About this time, also, Miss Brackett says she saw the contract and the "dear Wife" letters.

Mrs. Brackett swears that it was not until the twenty-fifth day of March, 1882, that Miss Hill and her daughter became acquainted. She is precise as to the time because Miss Hill called to pay her some money she owed her, and arrange for further meals. During this visit Miss Nellie came into the room, and her mother reluctantly introduced her to the plaintiff. Forthwith, Miss Hill, a woman thirty years of age and upward, belonging to one of the first families of Cape Girardeau, in Missouri, fell into a violent intimacy with a girl of seventeen, by no means her equal in descent, according to Miss Hill's standard; by no means her equal in education; Miss Hill herself being, besides, a woman of apparent means, or boasting of large means, and Miss Brackett the daughter of respectable parents, reduced in circumstances. There was nothing in the relations of this woman and this girl which should have brought them together, but Miss Hill took possession of her. For what purpose? Delia Manning says Mrs. Pleasance was with Miss Hill constantly, and that they had many secret interviews during this winter. In my judgment, the marriage contract was forged at this time; and Miss Hill took Miss Brackett into bodily custody to train her for her guilty work. The destruction of this unfortunate girl's moral sense was slowly accomplished. Little by little she was corrupted and lowered to her ultimate degradation; and circumstances which have since occurred show how willing a pupil Miss Brackett proved to be.

On the fifteenth of April, Miss Hill suddenly left 822 Ellis street, for some undiscovered reason, and commenced to board at 522 Van Ness Avenue. Miss Nellie Brackett went with her; passed her days with her; slept with her; but took most of her meals at home. They were together morning, noon and night. The intimacy was disapproved by Mr. and Mrs. Brackett, and they were constantly struggling to break it up; endeavoring to bring their daughter home and keep her under the influence of the paternal roof. Yet this woman, who respects neither God nor man, neither the living nor the dead, neither her own marriage bed, according to her own confession,

nor the grave where the dead lie, took this girl into her horrible keeping, dragged her from her home, poisoned her mind against her father and her mother, filled her with ideas of her own independence, and actually robbed that father and mother of a child, and made her what she is, a depraved, conscienceless, shameless perjurer.

Not long before the first of May, 1882, Miss Hill called on Mrs. Shawhan, who occupied General Hewston's house, 1011 Pine street. Frank Rodney, Mrs. Brackett and her daughter were present. She told Mrs. Shawhan she wanted to rent the house. In answer to a question by Mrs. Shawhan why she wished so large an establishment, and whether she was married, she replied, "I am Miss Hill, and am not married. I would not marry the best man in the world. I love my freedom too well. I have means enough to live on, and why should I marry?" Mrs. Brackett, who went there with Miss Nellie and Mr. Rodney to meet Miss Hill, swears that this conversation occurred. Miss Brackett was not questioned in respect of it. Mrs. Brackett testified: "Mrs. Shawhan asked her if she were Miss Hill or Mrs. Hill, and she said, 'Why did you think I was married?' Mrs. Shawhan said, 'I thought so by your wanting this large house,' and Miss Hill said, 'I am not married; I would not marry the best man living; I love my freedom too well.'" Miss Hill called on Mrs. Shawhan three times in this house prior to the first of May, when Mrs. Shawhan moved to 1927 Sutter street. Miss Hill denies the whole of this episode except the fact that she went there to look at the house!

In May also, Miss Hill sent a note to Mrs. Smith by Rodney, asking an interview. Miss Hill was at the time sick in bed. She begged Mrs. Smith to remain with her; told her about her affairs with Mr. Sharon; asked her if she knew a Miss Dietz, who lived at Redwood City, and told her the scandal about Miss Dietz's child, and that she was afraid Miss Dietz would win Mr. Sharon. She asked her to see Mr. Sharon, as he knew that Mrs. Smith was of good character, and she deliberately proposed to that she should defame Miss Dietz to him. Mrs. Smith said: "I know noth-

ing against this woman. Why should I defame her?" And Miss Hill replied, "Well, you can find it out from people in Redwood City." She repeated this infamous suggestion over and over again. Mrs. Smith was subsequently at the Palace Hotel; saw Miss Dietz and another woman going in the direction of Mr. Sharon's rooms, as she was leaving them, and from what she saw, judged Miss Dietz was going to dine there. She returned to Miss Hill, told her what she had seen, and said, "My advice to you, Miss Hill, is, if you are left out, to be quiet about it and make the best of it." Miss Hill again implored Mrs. Smith to hunt up some disreputable story about Miss Dietz; was angry when Mrs. Smith declined to accept such an engagement, and said she would pay her well for her services.

While all this scheming was unquestionably progressing, and about the thirtieth of May, Miss Hill testifies that she visited Mr. Sharon at his rooms by verbal invitation transmitted through Ki, and took Miss Brackett with her and hid her behind the bureau, on which occasion Miss Brackett heard him say, "This is my own little wife and nobody knows it." Mr. Tyler howled himself hoarse over what he says was a remark of mine about the vileness of this woman's conduct; and with all the disgust he could gather together, has talked of "the nastiness of this case." I ask your Honor if there is anything that ever will match the romance told by this Brackett girl upon the stand. A shameless and incredible story; morally monstrous and almost physically impossible, though positively sworn to by both Miss Hill and Miss Brackett. Is your Honor bound to believe it? In *Blankman vs. Vallejo* (15 Cal., 645) Judge Baldwin says: "We do not understand that the credulity of a Court must necessarily correspond with the vigor and positiveness with which a witness swears; a Court may reject the most positive testimony, though the witness be not discredited by direct testimony impeaching or contradicting his statements. The inherent improbability of his statement may deny to it all claims to belief."

Briefly stated, what is it? The plaintiff, Rodney and the witness arrived at the Palace Hotel about half past four o'clock in

the afternoon, and while Rodney sat in the hall, the witness secreted herself in the entrance to an apartment some distance from Mr. Sharon's, while the plaintiff alone entered his rooms. In twenty minutes Mr. Sharon left his apartments, and the plaintiff summoned Miss Brackett. They went to his bedroom, and Miss Hill pulled the bureau from the wall, put this secret witness behind it, and displaced it to such an extent as to leave her ample room to sit on the floor or stand at her pleasure. Mr. Sharon presently returned and made his toilet, and the plaintiff brushed his hair, and rubbed his cold feet. They went to dinner and left Miss Brackett to seclusion and hunger for about two hours. They returned to the bedroom, and there Mr. Sharon read some of his private correspondence including numerous anonymous letters, to the plaintiff, and then turned to love making. They discussed Miss Hill's ejection from the hotel, and Mr. Sharon obtained speedy forgiveness by charging the outrage to the account of Mr. Newlands. Finally he asked her to remain all night and she consented. Mr. Sharon left the room, and in his absence Miss Hill informed Miss Brackett that she would be compelled to remain until he got to sleep. Mr. Sharon returned, they undressed, turned out the lights and went to bed. After the room was in darkness, Miss Hill again moved the bureau; in pretending to stumble against it, she pushed it with her foot and left Miss Nellie the means of escape! At eleven o'clock at night, after having listened to the tender conversation and endearments of this long-separated pair; after hearing the defendant say, "Well, baby, if you had kept that document, you would have had the whip-hand over the old man," and after this boast of freedom, saying, "Who is my own little wife, and nobody knows it?" after listening to this compound, condensed distillation of every admission essential to maintain the plaintiff's case, Miss Brackett crawled out carefully and went into the parlor. There she sat for an hour or two, and then betook herself to the temple of Cloacina, devoted to the use of the negroes and Chinamen employed in the Palace Hotel, and there she remained until nine o'clock the next day, when she emerged from her seclusion and

walked the halls till noon, when Miss Hill was ready to go home. For twenty-one mortal hours this bud of seventeen summers was without sleep, food or drink : for seven hours she squeezed herself behind a bureau ; sat eight hours in a servants' toilet of the Palace Hotel, and tramped the halls four hours more, waiting for her friend !

Does any human mind accept this preposterous, audacious and indecent falsehood ? Is it a wife taken by her husband from pure and spotless girlhood to loyal and noble matrimony, who concocted such a plot as this ? Is it a wife who asks your Honor to believe that she secreted this vestal virgin, this fresh lily, this unsunned snow, behind a bureau that she might hear and behold the mysteries of the marriage bed ? What woman in whose bosom lived a lingering spark of conscience could do it ? What woman in whose bosom lived a lingering spark of self-respect could tell it ? What wife could voluntarily draw the curtains of her couch, and exhibit to an innocent maid what Erskine has described as "that mysterious union of mind and body, which, while it continues our species, is the source of all our affections ; which builds up and dignifies the condition of human life, which binds the husband to the wife by ties more indissoluble than laws can possibly create, and which, by the reciprocal endearments, arising from a mutual passion, a mutual interest, and a mutual honor, lays the foundation of that parental affection which dies in the brutes with the necessities of nature, but which reflects upon the human parents the unspeakable sympathies of their offspring, and all the sweet, delightful relations of social existence."

May it please your Honor, it is not true. It is intrinsically impossible to be true ; it is physically impossible ; it is morally impossible. It can only be characterized as a rotten falsehood begotten in the miry depths of a mind sunken to moral idiocy ; corrupted by association with the degrading and degraded of a race not her own, and poisoned by slavish faith in the revolting and hellish practices of a witchcraft which would have been intolerable to a naked negro in the jungles of Africa.

[A recess is here taken until to-morrow at ten o'clock A. M.]

Mr. Barnes—(resuming.)

If your Honor please, Mr. Sharon declares that this story, so utterly shameless if true, is purely an effort of the combined erratic imagination of these ladies. He says that Miss Hill, so far from retiring with him, never even dined with him at any time after she left the Grand Hotel. She was never in his rooms for any purpose, except on the sixteenth day of August, 1883, when, accompanied by Miss Brackett, she called to collect seven hundred and fifty dollars on account of the note for 1883, said to be lost, and on the seventh of September of the same year, when, after dark, she called under the escort of Neilson and Rodney. He asserts that he never said to her in bed or out of it, in his room or anywhere else, "Baby, if you had kept that document, you would have had the whip-hand of the old man;" nor did he ever say, "You are my own little wife, and nobody knows it but us two," in the presence and hearing of Nellie Brackett, whether she was behind a bureau or under the broad canopy of Heaven. I know your Honor, for the sake of what are supposed to be the outward decencies of civilized life, will not be unwilling, but glad, to take such a view of this most wretched and revolting tale.

It is claimed that about the first day of June, 1882, the plaintiff wrote Mr. Sharon a letter, and sent it to him by Mr. Rodney, who swears that he took it from the hand of his cousin and delivered it in person to Mr. Sharon at his rooms in the Palace Hotel. This letter is "Plaintiff's Exhibit Four." The defendant was notified to produce the original. He denied ever having seen or received this, or any other, communication from Miss Hill by the hands of Mr. Rodney, or ever having met him until the seventh of September, 1883.

This letter is wanting in every attribute of genuineness, and is full of absurd self-contradictions. She says: "My dear Senator: I send Frank with this note so as to make sure you get it to-night." Rodney swears he delivered it in the morning. It appears, also, that before he left the house on Van Ness Avenue, the letter was read to both Rodney and Miss Brackett, and by the latter's advice, the plaintiff kept this identical copy. Upon the theory that the plaintiff and defend-

ant were at this time reconciled and reunited, it is impossible to conceive why this letter should have been written at all. She certainly could not distrust the man from whose arms she had just come; she had been summoned by him to the Palace Hotel, had dined with him the night before, passed the evening with him, and remained with him through the watches of the night and until noon of the next day.

If she wrote it the day following the night she passed there, she could scarcely have had time to get home; and poor, hungry, footsore little Miss Brackett could not have had time to get a wink of sleep or a mouthful to eat before she was called to advise with reference to this letter. She goes on: "I am afraid it will be impossible for us to go to Belmont with you on Saturday." Why was it impossible? What had occurred in the history of the first family of Cape Girardeau in the state of Missouri, to make it impossible for the plaintiff and Nellie Brackett, neither of whom had any occupation or any visible means of support, to visit Belmont with Senator Sharon on Saturday? She was aching for recognition! The letter itself shows that was what she wanted more than anything else in the world. Would he ask her and Nellie Brackett to go to Belmont at all, if it was true, as she says in the following sentence, "Besides you say you want this reunion to be kept quiet for a little while, and you know, my own Senator, your wish is my law." What a farce! Still, she swears the original was written and sent. Rodney and Miss Brackett both swear they read it, and identify the document produced as a true copy of the original. Miss Brackett says, "I advised Mrs. Sharon to keep copies of all letters she sent to her husband." I would like to know if Miss Hill preserved a copy of the letter in which she spoke of herself and her friend as "two little lone birds?" It is a curious coincidence that this alleged copy of her pretended letter is Plaintiff's Exhibit Four, and the only letter which Miss Hill really did write to Mr. Sharon in August, 1882, is Defendant's Exhibit Four. They are a well matched pair, truly; and presently I will put them together. Where are the copies of all her later letters to

Mr. Sharon? She does not produce them. She does not pretend she kept a copy of any letter except one, the receipt of which Mr. Sharon absolutely denies. I think your Honor will find it to be, upon its face, the silliest of the many attempts made by the plaintiff to impose on your judgment. It is like that other fraud which appeared for a moment, like a will-o'-the-wisp, and then disappeared in the moral swamps in which this case is fast bemired; that certificate of character and receipt for money combined, purporting to be witnessed by the same Miss Brackett, which Mr. Sharon denounced as a fabrication of the worst order, and from conviction for whose forgery the only refuge for Miss Hill is a charge of theft against her former associate.

Compare the context of Plaintiff's Exhibit Four with the known historical facts, and it requires no argument to satisfy your Honor that Mr. Sharon never invited Miss Hill to visit Belmont at any time after the Summer of 1881. He declares that twice only was she in the Palace Hotel after her expulsion from the Grand, and that he never spoke to her at any time of "the house you spoke of built by the Real Estates on Tyler street." Does your Honor discredit the salacious tale of the bedroom scene? If so, then you know that this pretended letter, the pretended copy of which is produced, is a deliberate deception. Then you know, from its contents, that it was manufactured solely with reference to that monstrous invention, and to serve in some way to bolster and support it. It is most curiously disconnected from, and at variance with, everything that has preceded it; and it equally conflicts with all that has followed it. Why, sir, the plaintiff had not written to Mr. Sharon after she was ejected from the Grand Hotel until she penned her letter of August, 1882, which last will be noticed in its proper order and in connection with current events.

I hardly need say that truth is always harmonious. There may be variety; but the individual life, like the life of the universe, moves harmonious and complete. Whenever you find events disconnected, disjointed, harsh and out of tune, it

is always safe to say, "Here is something that needs explanation." Mr. Neilson said he found it advisable to read several letters together to get the sense of the whole correspondence. It was a striking observation. As Mr. Neilson said he performed this act of literary miscegenation as a journalist, I looked at his brethren here, and could see a general expression, not merely of dissent but of disgust. This eminent gentleman, who comes to us endorsed by the plaintiff as unpurchaseable, a most particular and warm friend of Governor Stoneman, this controller of the entire press of this Coast, this friend of the Bonanza firm, a man of most wonderful intellect, fearless of Mr. Sharon, a man who, when he takes hold of anything, never stays his hand till victory is assured, says, in reference to the "dear wife" letter published in his "Explicit Statement," which the plaintiff sent to the Reigarts: "I was not under oath, and I was representing to the public the truth, as will be found in two or three or more letters in this case. There were letters that contained all those statements." Let us humbly imitate the example of this brilliant genius, and mix together defendant's Exhibit Four and plaintiff's Exhibit Four, and listen to the resulting concert of sentiment.

"Not chaos-like together crushed and bruised
But, as the world, harmoniously confused,
Where order in variety we see,
And where, though all things differ, all agree."

Your Honor will see how exactly they fit.

"My dear Senator:—

I send Frank with this note, so as to be sure you will get it to-night. I am afraid it will be impossible for us to go to Belmont with you on Saturday. Besides you say you want this reunion kept quiet for a little while, and you know, my dear Sen., that your wish is my law. Won't you please try and find out what springs those were that you were trying to think of to-day, that you said Mr. Main went to, and let me know to-morrow when I see you, and don't I wish you would make up your mind to go down to them with Nellie and I, wherever they be, on Friday or Saturday. We all could have such nice times out hunting, and walking, and driving, these lovely days in the country. Why do you hesitate to come out

and acknowledge my rights and my place by your side? The jaunt or little recreation would do you worlds of good, and us girls would take the best of care of you *and mind you in everything*. I wish we were with you this evening or you were out here. Have I not suffered enough already by it all? and I am crazy to see Nell try and swallow egg in champagne. Have I not been ignored and snubbed already by the world, by my friends and relatives, and yet I have kept the secret. I haven't told her of the feat I accomplished in that line, but I am just waiting in hopes of some day seeing her go through the performance. You said the other night I was your own little wife, and only we two knew it. How glad I was to hear you again tell me that! As I told you before, I am out at Nellie's mother's for a few days, 824 Ellis street. It has rung in my ears and my heart ever since. You know, Sen., I love you. If I had not loved you, how could I have borne all I have, in silence and patience? All I could do was to prey and prey to God for His protection in my trial. What a lovely evening this is, and how I wish you would surprise us two little lone birds by coming out and taking us for a moonlight drive. Why do you hesitate to call me to you day and night, and tell the world that all these years I have been your wife? But gracious me! It's too nice to think of. But I really wish you would. Don't get offended because I write so, but my heart aches so. 'Twould do you good to get out of that stupid old hotel for a while. Am I not more to you than Newlands and all the gang? And we'd do our best to make you forget all your business cares and go home feeling happy. So good-bye. A."

Let us commend, if nothing else is worthy of admiration, the Neilson plan of combining two letters in order to get the general sense!

It would seem from Mr. Tyler's cross-examination of Mr. Sharon that the lost combined receipt and certificate of character must have had its alleged birth here. Your Honor will recollect it was pretended to be signed by Mr. Sharon, and witnessed by Miss Brackett. Mr. Sharon denies having ever signed or seen it; says that Miss Brackett never took a seat in his private office, or took up a pen or witnessed any paper there; and denounces the whole story as a pure fabrication. Had it not been for the persistent cross-examination of my as-

sociate, this paper never would have seen the light. Miss Hill had manufactured it for other purposes than those of this trial. With it she had fooled the aged and most confiding Cushman. He testified, in his deposition taken last winter, that it had been exhibited to him, and was signed by William Sharon. He swore it was genuine, with the same dogmatism with which he has sworn that all the other disputed documents were in the proper handwriting of Mr. Sharon! When crowded to the wall she was compelled to admit she had shown it to Cushman. We called for it, and after a desperate resistance, your Honor compelled its production. I call your Honor's attention, also, to the fact that though Miss Brackett had previously testified upon direct and cross-examination, she never alluded to this document so important to the plaintiff, and never was asked a question about it. Sir, there never was an intention to produce it! It was dragged from the plaintiff. She could not contradict her valued friend Cushman, and she had not then had time to put it out of the way. The inference to be drawn from its non-production was worse than from its production. One of her lawyers, at least, knew this; and he insisted upon its exhibition. Your Honor will remember its ludicrous appearance; its silly phraseology; the preposterous mode in which Nellie Brackett was made to sign her name as a witness; and the broad burlesque of the whole document! We all saw it; but before we were prepared to finally put it in evidence, the plaintiff took it from the court-room, and when it was wanted, asserted that she had lost, and could not find it. She tried to fasten its theft upon Miss Brackett; but I do not think she succeeded in imposing this false pretense upon your Honor. I think you knew then and know now, that she willfully and falsely stated it was lost; and that she dared not bring it back to court. It has gone from sight—at least, from our sight. They claim it has disappeared and perished forever. On its memorial tablet let us write the inscription:

"It is so soon that I am done for,
I wonder what I was begun for!"

Yet see how fiercely Mr. Tyler attacks Mr. Sharon concern-

ing the alleged interview which preceded the execution of this document, every jot and tittle of which interview was a foul invention of the plaintiff. Follow his examination, and truly you may say, here is indeed "the lie with circumstance." Mr Tyler asks the defendant :

Q. "Did not the plaintiff here, and Nellie Brackett, and Frank Rodney, the three of them, come to your rooms at the Palace Hotel, and did not the plaintiff here have a talk with you at that place about what Nellie said persons said about her, in your parlor ?

A. No, sir.

Q. In the Palace Hotel parlor ?

A. No, sir.

Q. Did you there take the plaintiff here to one side, and have a talk with her ?

A. No such meeting ever occurred.

Q. While Miss Brackett and Frank Rodney were looking over the Bible ?

A. No, sir.

Q. Did not she at that time tell you what Miss Brackett had said to her ?

A. No, sir.

Q. That she had said that it was being talked about that the money was paid for her being your mistress, and you had put her out of the hotel for improper conduct ?

A. No, sir ; there was no such meeting at all.

Q. Did not you use this language : 'That if anybody had said you had ever said any such thing, it was a damned lie' ?

A. No such conversation as that occurred.

Q. Did not the plaintiff tell you that it was a shame for you to attempt to ruin her character ?

A. No, sir ; there was no truth in it.

Q. Did not you then say, 'What do you want me to do about it' ?

A. I would like to make one statement. They are alluding to a statement I made in the room upstairs, the night Rodney and she came, and then she said something about my having said she was my mistress, and I denied it.

The Court—Counsel is asking about another occasion.

A. On that occasion I never met the parties.

Mr. Tyler—Did not she then say that she wanted you to give her a writing that it was false ?

A. No, sir.

Q. Did not you say, ' You come down to my office between twelve and one to-morrow, and I will do anything you want me to ' ?

A. No, sir.

Q. Did not you ask the plaintiff to go up to your room then ?

A. No, sir.

Q. Did not she leave those two in the parlor and go away with you ?

A. No, sir.

Q. Did not you hear her state to them to wait until she came down ?

A. No, sir.

Q. Now then, did they not come to your office, Miss Brackett and the plaintiff, the next day between twelve and one o'clock, and did not the plaintiff present this note that you say you thought looked like your signature ?

A. It never was presented to me ; as I said yesterday, it is a forgery.

Q. Did not the plaintiff show you that note at that time and read it to you ?

A. No, sir.

Q. And did not you read it ?

A. No, sir ; they did not show it to me and I did not read it.

Q. Was there not on the note before it was signed the word ' witness,' and then the word ' signed' ?

A. No, sir ; I never saw it until it was shown in Court here.

Q. Did not you ask the plaintiff what she had written those words on there, ' witness' and ' signed' for ?

A. No.

Q. Did not she tell you that she wanted Nellie Brackett to witness it ?

A. No, sir.

Q. Did not you say that that was all right ?

A. No, sir.

Q. Did not you then call Nellie Brackett and ask her to sit down at your table, and did not she do so, and did not you hand her a pen, and did not she sign that note as a witness ?

A. She never wrote a word or line in my office in my sight or presence, in her life.

Q. Did you not take the pen from her and sign your name opposite the word ' signed' ?

A. No.

Q. And deliver it to the plaintiff?

A. No, sir."

Can your Honor doubt that Mr. Sharon speaks the truth? If he does, what shall be said of the guilty and perjured mind which invented the tale made to sustain this vanished document, so priceless if it were genuine, as a greatly needed certificate of character, and as giving a final refutation of the injurious reports respecting the sources of the plaintiff's income? It was as follows:

"I take my most solemn oath that Miss Hill was sent from the Grand Hotel in the Fall of the year 1881, at my instruction, on account of a misunderstanding between Miss Hill and myself (Mr. Sharon) and because she would not do my bidding in a certain matter; and I also acknowledge that the money I am now paying her is part of the seven thousand five hundred dollars (\$7,500) she gave into my hands when I first knew her.

Witnessed by
Nellie Brackett.

Signed by
WILLIAM SHARON,"

She wrote it in purple ink; Nellie Brackett's signature as witness is in purple ink; and Mr. Sharon's signature was forged in black ink. Yet in this very document which is pretended to have been written seven or eight months after she was put out of the Grand Hotel, she still twice describes herself as "Miss Hill." Observe, also, that while she has sworn that the apocryphal deposit of seventy-five hundred dollars was made with Mr. Sharon on her last visit but one to his office before her marriage, at an advanced stage of their courtship, and when she was hesitating to enter into the nuptial contract, yet in this document, she writes of it as the "seventy-five hundred dollars she gave into my hands when I first knew her!" According to her own story she first knew him in April, 1880! No invention of hers is consistent with itself or with surrounding circumstances. She is forever wandering; and, in my judgment, the chances are a thousand to one that this unhappy falsifier could not return to the witness box to-day and repeat correctly any part of her previous tale. Her present narration is contradicted by every contemporaneous paper written by

her, and even by her later manufactures. Whenever she states as a fact anything which does not lie in the forum of her own conscience; anything which involves knowledge on the part of another person, always excepting Mrs. Pleasance and Miss Brackett, her fact invariably proves to be a falsehood. Here is a signal proof of the truth of my assertion. She swears Mr. Sharon signed a written admission, drawn by herself, that she was Miss Hill; that he received seventy-five hundred dollars from her when he first knew her, yet she testifies she gave him seventy-five hundred dollars the day before she was married!

On the sixteenth of June, 1882, the first payment was made by Mr. Sharon to Miss S. A. Hill upon the extended portion of the gross sum agreed upon between them on the seventh of November, 1881. She went to his office with her fifteen hundred-dollar note in her hand, and asked and obtained two hundred and fifty dollars upon account, though it did not mature until the first of August, 1882. Mr. Sharon says he may or may not have seen her at the time she got this two hundred and fifty dollars, but she receipted for it in the name of "Allie Hill." He says it was either on the sixteenth of June, 1882, or when the note matured in August that he saw the plaintiff for the first time after she was ejected from the Grand Hotel. When the note matured, he wanted her to take the whole amount and go away; she said she did not want it; if she took it home she might lose it, and asked him if he would not allow her to take the money as she wanted it. He consented. From that time she called every month or two. She called in June, July and August; and the last endorsement on the note is dated the seventh of September, 1882, and is signed "Allie Hill." The two years stipulated in the contract, had then expired. She was at liberty to proclaim her rights, and take the name of Sarah Althea Sharon, to which she now claims to be entitled; yet in September, 1882, she goes, as Miss Allie Hill, to Mr. Sharon's office, collects an installment of one hundred dollars, and signs herself "Allie Hill." Mr. Sharon swears he saw her eight or ten times in the year 1882, and

only at his office, when she came to collect money. She declares, on the contrary, that their intercourse was frequent. She does not claim that there was a restoration of conjugal rights, except on the night of the thirtieth of May, 1882; but she says he was constantly sending her messages by Ki to come to him. What tends strongly to disprove her testimony, and to confirm that of Mr. Sharon is the certainty that he did not visit her in the house on Ellis street, when she was housekeeping; that he did not visit her at Mrs. Leet's on Van Ness Avenue, where she was boarding from April, 1882, to August, 1882; that he did not visit her at Mrs. Brackett's, where she lived from August, 1882, until November, 1882; that he did not visit her in her house on Laurel Place, where she lived from November, 1882, till November, 1883. Certainly he never wrote to her. The latest scrap of his handwriting she has produced is dated in October, 1881. Her statement, then, is without corroboration. She never heard from him; he never visited her; and she went to his office only to collect money. There were no other relations between them. Although Ki visited her sometimes at her invitation, and sometimes of his own accord, he swears that Mr. Sharon never sent him to her. Her note of the first of August, 1882, contains the first information Mr. Sharon had of her whereabouts. After she moved from Mrs. Brackett's in November, 1882, he did not know where she lived until the month of March, 1883, when she wrote him a letter, asked him for a payment on the lost note, and gave him her address, "18 Laurel Place, between Folsom and Harrison, First and Second."

During the Summer of 1882, Miss Hill had made up her mind that there was no chance of matrimony for her; and your Honor will see how the general tone of her conversation changes.

About the first of July, 1882, she went to see Mrs. Shawhan at 1927 Sutter street. Mrs. Shawhan was ill, and Miss Hill went into her bedroom, sat down and talked to her. She took out her portemonnaie and drew from it a beautiful solitaire. Mrs. Shawhan admired it

very much and said, "Why, that looks like an engagement ring. Miss Hill replied, "It was to have been, but it is not now." Where did she get this ring? Certainly she never received it from Mr. Sharon, for he never gave her a ring, a jewel, a bunch of flowers or a box of candy. He paid her salary and that was all he did. In this month, after Mrs. Shawhan recovered from her illness, she returned Miss Hill's visit, at No. 522 Van Ness Avenue. On the twenty-first of August, Mrs. Shawhan removed to 1130 Pine street, near Leavenworth street. These places and dates are material to be noted in connection with what is said to have occurred at them.

"Early in July," says Miss Brackett, "Mrs. Sharon sent me to her husband to talk with him about a house for her, and to tell him she was in an interesting condition. Mr. Sharon asked 'Who does she suspect? Send Mrs. Sharon down. Keep this thing to yourself. She is my wife and it will be made public soon.'" Mr. Sharon denies that any such interview took place. He says that in the early part of 1882 he met Miss Hill, and she said she was afraid she was in that condition. He laughed and said, "Who do you suspect?" That conversation was wholly with Miss Hill, but just as she hid herself in August, 1881, behind the bureau, and used that fact to create the story of the similar concealment of Nellie Brackett, so here she takes a passing conversation with Mr. Sharon, and transfers it to the same broad and convenient back. If your Honor will consider the surroundings you will see this is another incident which, in its nature, is wholly unnatural and incredible. Reflect for a moment that up to this time Mr. Sharon knew nothing of Miss Hill's pretended confidential relations with Mammy Pleasance, Martha Wilson, Vesta Snow, Mr. Rodney and Miss Brackett. According to the plaintiff's theory, he must have believed the June letter to have been written him by his "preying" and unhappy wife. He must have believed she was keeping the secret. He certainly was not aware of Miss Brackett's participation in the joys of that immortal night of the thirtieth of May. He knew nothing about her. Miss Hill herself had only known Miss Brackett a

little over three months, and it is hardly likely that Mr. Sharon had much to say to her, if, indeed, he had ever seen her, except as a companion attending Miss Hill on her visits to his office for money, which last only commenced on the sixteenth of June, 1882. Yet with an acquaintance, if there were any, of less than twenty days' duration, between Mr. Sharon and Miss Brackett, and at a time when Mr. Sharon firmly believed Miss Hill was fulfilling the silence clause of the contract, she swears, and so does Miss Brackett, that the latter was sent by her to Mr. Sharon, and was commissioned to communicate information, considering their relations, of the highest moment, regarding her interesting condition, and the prospect that she would in due season present him with an heir. Miss Brackett swears she performed her delicate errand, and on learning the fact, this husband replied, "Well, who does she suspect?" To which Miss Brackett rejoined, "She does not suspect anybody, she knows it is you." "Send Mrs. Sharon down," he replied, "and look here, you must not say anything about this matter; you keep this thing to yourself; do you understand?" Here was a wife who had been repudiated and driven from her home, a wife who, though publicly disowned, had been privately taken to her husband's arms as his "dear little wife," who had dined and slept with her husband, who had vividly portrayed her mental agony over the enforced concealment of their marriage in a letter written within two days after her surrender of her person to him, and who was now in a position to make the strongest appeal a woman can make to a man for protection and assistance if he were her lover; for sympathy and tender love if he were her husband. This wife says she sent Nellie Brackett, a girl of seventeen, to Mr. Sharon, to inform him of her condition. If the episode of the last of May were true, could this be true? Married by a valid contract, then visiting her husband at his apartments, restored to his embraces and again beloved, as she swears she was at this time, would she have selected the Brackett girl, whom he did not know, to announce her prospective fruitfulness, and the breaking of the silence clause of

the contract! It is impossible! Oh, what a travesty, bitter and sarcastic, upon the relations of husband and wife, is this narrative! What a masquerade of harlotry in wedding garments! Upon every theory of the plaintiff's case as urged by her counsel, this circumstance is in the last degree improbable. It is also utterly repugnant to every sentiment and all experience of married life.

The plaintiff's counsel represent her as an innocent and confiding girl of unblemished character and lofty lineage, beside whose long descent from the first family of Cape Girardeau in the State of Missouri, the ignoble race of Sharon from Smithfield, Jefferson County, Ohio, "was but the thistle in the field;" as a devoted member of a church which regards marriage, not as a civil contract, but as a sacrament, a consecrated institution of religion; and as a lady accustomed to move in the highest social circles. They represent her as pursued by the defendant for many months, and finally married to him by a secret contract whose terms bound her to a state of apparent concubinage for two years. They represent her as yielding herself to this degrading alliance with unfeigned reluctance and many doubts, overcome at last by an absorbing love for her husband, whose character, talents, fascinating address and vast wealth had broken down her womanly scruples, conquered her pride and put to rout the precepts of her Holy religion. They represent her as living in secret though virtuous matrimonial intercourse with her husband for more than a year, and as then being driven from his protection and fairly hurled from the home he had given her and to which the law entitled her.

They represent her as enduring this storm of contumely and disgrace in patient silence that passeth understanding; and although abandoned by her immediate family, and cast out from the social circles she had adorned, still clinging to her wrecked hope that her husband would one day call her back to his house, his bed and his heart, and crown her with honest wifehood as publicly as he had discarded her. They represent her as at last, though partially, rewarded for her courageous

faith. He sent for her, sought and obtained her absolution for his transgressions, and the forgiving and loving wife went again to her husband's embraces. In due season, and as the proximate result of her resumption of marital intercourse, she discovers that the sacred primal sorrow of her sex has come upon her. It was a most important circumstance; important, because concealment, however desirable, must soon become impossible, and her secret must soon demand disclosure. What shall she do? Naturally what all virtuous wives have done since Christian marriages were known. What were her emotions at an hour like this? Naturally the same which thrill the bosom of any honest and beloved spouse; but intensified a thousand fold, if her situation were truly what your Honor is asked to believe it. To secret wifehood is to be added public maternity!

However innocent, she knows that day by day the little germ beneath her breast will grow to life, and she realizes that as it advances to the portals of existence she must descend into the valley of death. She prays to be called back to life, to love, to her husband and to friends by the first cry of her offspring, yet shrinks back appalled in her hours of inevitable depression and despair from the dreadful apprehension that she, as so many of her sex have done, shall at the final hour of her agony pass prematurely beyond the shadow of woman's martyrdom into the sunshine of the eternal peace which remains for the people of God. Yet in all her fears, in all the sorrows of a season which her sex alone can understand, she is still happy and hopeful. She yields herself to the fond fancy that to her may be born a child whose greatness shall render her immortal; whose eyes shall see the course of planet and of star; whose hands shall shape the wonderful fabrics of human intelligence; shall know the veins of the silver and the places of the gold; shall guide the pencil of the artist, or the pen of the teacher of men; upon the sound of whose lips, Senates shall hang listening, or heathen men receive the promise of eternal life. With such inspirations the courage of the coming mother breaks down her fears. Anxieties of mind and

pain of body disappear, and her life is full of music as the maternal instincts grow and sing their tender and intoxicating songs. More than ever, and above all, she turns to her husband for his reverent homage, his love, his care; and there is no moment of existence so endearing and sacred as that in which she reveals to him, for the first time, the secret of her state, and nestles, with tears and smiles, in his arms, as she whispers her hopes and her fears.

The great master of all human sentiment, whose pen has given to literature the best expression of domestic experience, has not forgotten to give us his picture of a scene like this. Let me read to your Honor a paragraph from "Our Mutual Friend," which tells the story of the coming motherhood of Bella Rokesmith :

"And now I am brought to a little piece of news, my dearest, that I might have told you earlier in the evening. I have strong reason for confidently believing that we shall never be in the receipt of a smaller income than our present income."

She might have shown herself more interested in the intelligence, but she had returned to the investigation of the coat button that had engaged her attention a few hours before, and scarcely seemed to heed what he said.

'And now we have got to the bottom of it at last,' cried her husband, rallying her, 'and this is the thing that made you serious?' 'No, dear,' said Bella, twisting the button and shaking her head, 'it wasn't this.'

'Why, then, Lord bless this little wife of mine, there's a fourthly,' exclaimed John.

'This worried me a little, and so did secondly,' said Bella, occupied with the button, 'but it was quite another sort of seriousness, a much deeper and quieter sort of seriousness, that I spoke of John, dear.'

As he bent his face to hers, she raised hers to meet it, and laid her little right hand on his eyes and kept it there.

'Do you remember, John, on the day we were married, pa's speaking of the ships that might be sailing toward us from the unknown sea?'

'Perfectly, my darling.'

'I think . . . among them . . . there is a ship upon the ocean . . . bringing to you and me . . . a . . . little . . . baby . . . John.'

The contrast suggests its own impressive moral. Words cannot point it, and no art of the speaker can add force to the conviction that this scene of the invasion of the defendant's business office by the slovenly and vulgar lieutenant of the plaintiff, and of the colloquy which she recounts with such brazen effrontery, is but a gross, unwomanly, unnatural, degraded falsehood; begotten of a mind destitute of every womanly sentiment; without even a single virtuous memory to aid her in the invention of a story that could have in it some one feature responding to human experience, or awakening a single chord of sympathy in any human bosom. I confess I am somewhat bewildered by the kaleidoscope of vulgar falsehood which the last thirty days has produced. The reunion of the thirtieth of May, the letter of the first of June, the forged receipt and certificate, and this final interview of Nellie Brackett with the defendant, present indeed a variety of subjects, yet are all treated in the same general way, and with such uniform want of moral sense as to leave no doubt of the source from which they all spring.

But, notwithstanding this interview between Lieutenant Brackett and Mr. Sharon, and notwithstanding the gross insult communicated to his wife through this young lady, Miss Hill was able to compose herself sufficiently to go to Mr. Sharon's office on the eleventh of July and collect two hundred and fifty dollars, for which, notwithstanding her prospects and her condition, she receipted as "A. Hill".

We hear no more of her until we learn that on the thirty-first of July she left 522 Van Ness avenue, and moved to Mrs. Brackett's, 824 Ellis street, taking Mr. Rodney with her. Her descent upon Mrs. Brackett's household is entirely characteristic of the plaintiff. Miss Hill swooped down upon her about dusk, without a word of previous negotiation, without even saying "by your leave," and took possession of the front and rear parlors of Mrs. Brackett's house, without further explanation to the proprietor than that given by Miss Nellie; that she knew the rooms were vacant and Miss Hill wanted them for a few days, and she thought she might as well come. There

she remained contrary to the expressed wish of Mr. and Mrs. Brackett. They loathed her. They saw with alarm the influence she was acquiring over their daughter; they observed the crop of disobedience and disrespect growing up in the girl's bosom, nurtured by the fiendish influence of this woman, whom they were as powerless to shake off as a horse in a South American pond is unable to displace a leach. She lingered there, carrying on her work of destruction in this girl's moral fibre; educating and training her for the career of villainy as a witness, in which she has so fearfully distinguished herself; and at last marched out of Mrs. Brackett's as she had marched in, without a word of warning or the cold courtesy of a good-bye; taking this girl from her home: and it was more than a week later before the mother ascertained where she had gone and where her child was.

On the second of August, the plaintiff again called on Mr. Sharon and received two hundred and fifty dollars, for which she receipted in the name of "Allie Hill." On August first or second she wrote him Defendant's Exhibit Four. I ask your Honor if this is a letter a wife would write to a husband who had decently married her, or had married her under the circumstances detailed by herself; a wife who had been outraged by expulsion from the Grand Hotel under circumstances most painful and mortifying, contrived by her husband, who had, moreover, taken her privately to his arms in the latter part of May, who was the father of her unborn child, and who, when he learned of her condition, had so grossly and heartlessly insulted her? Was it such a wife, who, in July, received two hundred and fifty dollars, and signed "Allie Hill" to a receipt? Was it such a wife, who, on the second of August obtained two hundred and fifty dollars and receipted for the sum as "Allie Hill"? Was it such a wife who wrote Defendant's Exhibit Four? Let me read it:

"My Dear Senator:—

Won't you please try and find out what Springs those were you were trying to think of to-day, that you said Mr. Main went to, and let me know to-morrow when

I see you ? And don't I wish you would make up your mind, and go down to them with Nellie and I, wherever they be, on Friday or Saturday ? We all could have such nice times out hunting and walking or driving, these lovely days in the country. The *jaunt* or little recreation would do you worlds of good, and us girls would take the best of care of you *and mind you in everything*. I wish we were with you this evening or you were out here. I am crazy to see Nell try and swallow an egg in champagne. I haven't told her of the feat I accomplished in that line, but I am just waiting in hopes of some day seeing her go through the performance. As I told you to-day, I am out at Nellie's mother's for a few days, 824 Ellis. What a lovely evening this is ; and how I wish you would surprise us two little lone birds by coming out and taking us for a moonlight drive. But gracious me ! It's too nice to think of, but I really wish you would. 'Twould do you good to get out of that stupid old hotel for a little while, and we'd do our best to make you forget all your business cares and go home feeling happy. A."

If Defendant's Exhibit Four, just read, is genuine, and was sent to Mr. Sharon and received by him, then Plaintiff's Exhibit Four is a plain fraud. What did this wife mean when she said, "Us girls will take the best of care of you, *and mind you in everything*" ? What did she mean when she said she was just crazy to see Nellie Brackett swallow an egg in champagne, and go through the performance ? No man except the three or four lawyer-saints on the other side of this case can fail to understand what she meant. It meant either or both at his disposition ; but there being "small choice in rotten apples," he did not care for either and never answered. If Miss Hill wrote this letter, then the July conversation to which Miss Brackett testifies never occurred. If your Honor please, what woman, from that soul so saintly chaste that "a thousand liveried angels lackey her," to one who has stooped to folly a thousand times, could hear the insulting question asked by her husband, "Who does she suspect ?" and forgive the wound ? What wife would pardon such an outrage upon the little germ of life beneath her bosom, or forgive lewd sport of her condition when she was standing on the edge of this unknown and mysterious experience ? But, sir, this woman never re-

sented this bludgeon blow at her virtue. She never said a word; and the first communication sent him is this precious document—this babble of “us girls,” “us two little lone birds,” “moonlight drives,” “eggs in champagne,” craziness “to see Nell go through the performance,” and to “send him home feeling happy.” Truly, sir, if Miss Hill was then the wife of Senator Sharon, this was “the very midsummer madness.” To talk of it is a ridiculous waste of words.

Miss Hill’s money, however, was very rapidly disappearing. On the second of July she received two hundred and fifty dollars; on the second of August, two hundred and fifty dollars; on the seventh of August, two hundred and fifty dollars; and for this last, she again receipts as “Allie Hill.”

He had not answered her appeal of the second of August by note or by his bow-legged Chinese Mercury, and “the two little lone birds” had gone to their buzzard roost without their ride. He had been proof against the seductive prospect of seeing “Nell swallow an egg in champagne,” and he did not go to the Springs on Friday or Saturday with “Nell and I.” But she consoled herself upon the principle that “nothing comes amiss, so money comes withal” and went to his office and collected two hundred and fifty dollars more on the note.

Miss Hill’s visits to Mrs. Shawhan at 1130 Pine street, which continued frequently during her residence there, commenced in the latter part of August: and while Miss Hill was thus visiting such acquaintances as she had, as a single woman, we are brought to the second of September, 1882, when, having expended her money, she again went to Mr. Sharon’s office, collected two hundred and fifty dollars upon the fifteen hundred dollar note, and again receipted for it as “Allie Hill.” On the seventh she went again, and collected one hundred dollars, and again receipted for it as “Allie Hill.” Nothing of interest occurred until the twentieth of September, 1882, when Miss Hill and Miss Brackett called upon Mrs. Shawhan at 1130 Pine street. Their object was to see No. 1132 Pine street, which was in the block owned by Mrs. Samson. Mrs. Shawhan introduced these ladies to Mrs. Samson in her house, and they

had a general conversation about renting No. 1132 Pine street.

On Saturday, the seventh of October, a month after the last endorsed payment on the fifteen hundred dollar note, Miss Hill called at Mr. Sharon's office and collected the balance.

She had received :

June 16.....	\$ 250
July 11th.....	250
August 2nd.....	250
September 2nd.....	250
September 7th.....	100
<hr/>	
Making in all.....	\$1100
The balance was.....	400
<hr/>	

\$1500

Mr. Sharon says that at this time he paid her four hundred dollars, took up the note, and ended the transaction ; but she will not tell the truth even about this. We produced the note, and although she is forced to admit that he had been paying her money just as she wanted it, and even before it was due, and consented to let her collect in installments, because she was afraid she would lose it if she took it home, she now swears that Mr. Sharon snatched the note, crumpled it in his hand, and said he would pay her no more on it ; a story which he says is a falsehood from top to bottom. He did not take a receipt for the final payment, because he took up the note, gave her her money, and she went away. This closed business for that year between Mr. Sharon and Miss Hill, and she never saw him again until some time in January, 1883.

During October, and about the time she collected this last payment of four hundred dollars from Mr. Sharon, Miss Hill showed Mrs. Brackett some very nice underclothing, which she had imported during the period of her alleged engagement to Mr. Sharon. She told Mrs. Brackett of the engagement and its ending ; she characterized him as a "little shriveled up old man," whom nobody would want but for his money ; and it is unnecessary to state that she also referred contemptuously to his inferior pedigree. She told her she had sixty thousand

dollars with a business firm down town, and had never asked for her interest. She said she knew all Mr. Sharon's secrets; that during her engagement, she had been through his pockets. She said she had ordered some undershirts which she intended as a present for Mr. Sharon, but after the engagement was broken, she did not give them to him. Mr. Tyler was especially malevolent towards Mrs. Brackett, and I know not upon what principle except that announced by Cicero, and to which I will give a free translation: "It is a part of human nature to hate one you have injured." Mr. Tyler is a husband and a father, and I am glad to say that I have always heard of him that he was a most affectionate father, and indeed we have seen evidence of it here, in the case of his son. Whenever Mr. William B. Tyler rose for the most ordinary purpose, the old gentleman seemed to swell to twice his usual size. He watched him with a tender and loving expression that was really beautiful to behold! Colonel Flournoy, Mr. Levy and myself always took pleasure in calling one another's attention to the expression of Mr. Tyler's countenance, under those touching circumstances, and I presume that Judge Terry, although he does not agree with me in much, will coincide in this statement.

But Mr. Tyler had wronged this woman. When she was trying to rescue her daughter from the baleful influence of Miss Hill; when she had to send ambassadors to solicit for her the privilege of seeing her daughter; when her daughter was only permitted to come home under guard of one of the attorneys in the case, Mr. Tyler says: "This girl shall not go home; she is an important witness for *me*; she is from a respectable family, and I cannot lose sight of her." Tyler indulged in a great deal of vain-glorious boasting as to what he would have done to Mr. Sharon had he ever introduced Miss Hill to Tyler, Sr., and I would like to know what Mr. Tyler would do to any man who assisted in keeping his unmarried daughter eighteen years of age, away from him, and make her a prisoner in the house of a woman whose life was such as Miss Hill's apparently had been, and refused to allow her to cross the parental threshold except under guard of an attorney-at-law?

Of all the contemptible incidents of this case this is one of the worst; and naturally, Mr. Tyler hated Mrs. Brackett. The savagery and brutality of his cross-examination of her was only equalled by that with which he assailed Mrs. Shawhan; and when Mrs. Brackett was embarrassed, worried and harassed nearly to death, as he thought he caught her upon some immaterial point, and opened his mouth at her, the poor old lady looked down upon his vocal chords, and forgot herself while calculating how she should descend into his thoracic cavity without striking on either side; and she was embarrassed. She was embarrassed exactly as a traveler in Ceylon is embarrassed by meeting, in the hedged pathway, one of those enormous snakes whose jaws are said, by alarmed travelers, to open six feet. She was worried; he frightened her; he intended to do it, and he succeeded. When he impaled her upon this little proposition whether Miss Hill had said she was engaged or was not engaged to Fred Sharon, Mr. Tyler said, "Now, which of these two statements is true?" And she said, "Well, I guess they are both true, because she said once she was engaged to Fred Sharon, and once that she was not." And then Mr. Tyler said, "They are both as true then, as the balance of your evidence, ain't they?" And she replied, "Well, I think the balance of my evidence is true. Is my evidence false?" And Mr. Tyler opened his mouth and scolded at her like a very drab, and she turned to your Honor and said: "Is my evidence false?" Tyler says he never saw such a spectacle as this poor, old, broken-hearted lady presented at this moment, unless it was that presented by Mrs. Stagg before that grinning, jeering, dirty crowd, which, in the early days of the trial, packed this room, when she was assailed by Mr. Tyler for being mistaken in a date.

"O wad some power the giftie gie us
To see oursels as others see us!
It wad frae monie a blunder free us,
And foolish notion."

If Tyler the advocate, could have seen Tyler the witness, when he testified to his participation in the Truc and Wells business, his hair bristling with terror, his face alternately crimson and

pale with apprehension, his bald head dripping with huge beads of perspiration ; his shaggy eyebrows rising and falling in his struggles to look serene in virtue, or enraged with righteous wrath ; his legs shaking and nervously crossing from right to left and left to right, and his fingers beating the " Devil's Tattoo " on the arms of his chair ! That, sir, was a sight ; the most complete spectacle of professional degradation ever presented to an earthly judge—so sickening, that my associate advised against cross-examining him, and said we could not do worse for him than leave him where he had deposited himself !

After the payment of the balance of the one thousand five hundred dollar note, Mr. Sharon saw no more of Miss Hill until January, 1883. In November Miss Hill moved to Laurel place, taking Mr. Rodney and Miss Nellie with her. She left without giving previous notice or saying where she was going, and Mrs. Brackett vainly sought her daughter for a week before she discovered her residence. On the twenty-ninth of November, Miss Hill called on Mrs. Shawhan at No. 1130 Pine street, and spoke of her name having been coupled at one time with Mr. Sharon's in connection with marriage. She talked about Nellie Brackett in a scandalous way, of Dr. Bradford and other gentlemen, and said to Mrs. Shawhan, " If I were a married woman, I could keep house ; but being a girl, I couldn't keep house without a chaperon, for the gossips would tear me to pieces." Mrs. Shawhan asked if she had changed her idea about marriage, and she said, " You never can tell what a young girl will do ; I will have to marry one of my admirers to get rid of the others." She repeated that Dr. Bradford wanted to marry her, and she might possibly accept him.

About the first of December Miss Hill called again at Mrs. Shawhan's in the afternoon. Mrs. Samson was present. She said Nellie Brackett had left her, and proceeded to pour the vials of her angry and reckless slander upon her head. She said, in referring to herself, there was no telling what a young girl would do, especially one who received so much attention from gentlemen, and spoke again of Dr. Bradford and said he was desperately enamored of her. During all these visits, and

in every conversation upon the subject of an engagement to Mr. Sharon, she spoke of it no longer in the present tense, but wholly in the past; and her tongue was by no means idle. She was busy otherwise. On Saturday, the twenty-third of December, 1882, she actually went through Chinatown to that wretched old Beehive Building; climbed to its topmost rookery, and made a call on Ki and his Chinese wife, for the purpose of making an arrangement to be secretly admitted to Mr. Sharon's room, in his absence on the following day, Sunday. She asked Ki what was the reason Mr. Sharon would not love her any more or have anything to do with her, and said she wanted to do something in his room that would do him no harm, but would do good to herself. This argument and the more potent persuasion of a gift of five dollars overcame his scruples, and he agreed, if she would come the next day, he would admit her "as long as she did not do anything to cut his throat." Miss Hill and Miss Brackett accordingly went to the Palace Hotel on Sunday, and were introduced by Ki to his master's apartments. Both of them now say their only purpose was to get his measure for a wrapper they were about to make for his Christmas present. They were truly industrious; they took the measure on Sunday, the twenty-fourth of December, and probably found it impracticable to finish it in time for Christmas day. Such is Miss Hill's explanation of this clandestine visit. Ki says she told him she sought admittance to "fix something." He says:

"She came up to my room in Chinatown, on Washington street. She said she wanted to come down to Mr. Sharon's room, and asked me to do her a favor, and asked me what is the reason Mr. Sharon doesn't love her any more. She said she was going to give me something; I said I don't care about that.' She said, 'I want you to help me fix something to make Mr. Sharon love me.' Then I said, 'What are you going to do?' She said, 'You can go down and watch me.' She was going to fix something to make Mr. Sharon love her and I said, 'I don't want you to poison Mr. Sharon; I don't want you to do any harm to me.' She says, 'No, no, I love Mr. Sharon, and I like you, and I don't want to do any harm to you.' She said, 'When Mr. Sharon go Behmont, can you go down nine or

ten o'clock with me?' I said, 'Not do any harm, you may call.' She say, 'All right,' so the next Sunday morning half past nine I was there and she and Nellie Brackett come. She showed me a little piece of paper and some black powder. She put Mr. Sharon's chair right here (showing), and she put a little powder right on the corner, and this dining room table right on the corner. She go underneath Mr. Sharon's chair, just like a priest, and go down this way (showing). Then she go into wine closet, and in a little bit of a crack I look through, I think she have the drink, and she puts a little white powder in five or six bottles of whisky, brandy, port wine and claret. She move bottles up on the side-board, and put powder in them. After that she come through and open a little money purse, and gave me a five-dollar piece. Then I take it and she go in the back bedroom. She kept talking about 'Oh, Mr. Sharon marry me and I give you one thousand dollars, and I give you forty dollars every month to help your family; you fix up Mr. Sharon.' Nellie Brackett fixed some other different thing in Mr. Sharon's bed. I try to follow her, and she stop me and say she no want me to follow her. Next morning I moved the bed, and I find these things looking just like a clove spice. They kept talking and said: 'We come twice more; three times make it good.' Then they go away. Next Saturday morning she sent Nellie Brackett back again; wanted to find out and see whether Senator Sharon go away or not. I say, 'You go away now; you come in here and put more poison in the liquor, and try to poison me and cut my throat,' and I was afraid, too. Then she went away. Miss Hill did not come again."

I think that your Honor believes that, in the main, Ki's testimony was true. He told whatever was to Mr. Sharon's disadvantage with the same zest and relish that he stated facts which would bear in his favor. He seemed to make no attempt to disguise or misrepresent any circumstance. It has been claimed that Ki's story is incredible, because when the folding doors were as nearly closed as he says, it would be impossible to see the side-board or whatever one might do there. I shall not debate that question. No witness has been called to prove it was impossible for Ki, situated as he says he was, to see what he has described.

Your Honor visited Mr. Sharon's rooms, saw the folding

doors arranged as Ki swears they were, and you know whether Ki could have seen all he says he did. I assume that if it had been physically impossible for Ki to witness Miss Hill's incantations, the gentleman who made the plan of the apartments under your Honor's direction, would have said so; on the contrary, he showed various lines of vision, all of which certainly made it possible for Ki to see all he described. The only comment I desire to make upon Ki's testimony, if it be true, is, that it shows Miss Hill as late as December, 1882, had no idea she was married to Mr. Sharon. She was still moving in her vulgar way; intriguing with his Chinese servant; confiding in Sarah Millett; essaying to bribe Mrs. Smith to slander her supposed rival; and from March, 1882, had Miss Nellie Brackett in training for some ulterior purpose. Her plotting never ceased. Subsequent events, however, showed she did not think of pretending marriage in fact with Mr. Sharon, at least during his life. What she contemplated, in the event of his death, is not clearly disclosed. So we come to the end of the year 1882, and it closes as it began, with no evidence of the existence of marital relations between Miss Hill and Mr. Sharon, while every act and every circumstance lead us directly away from such a conclusion.

In January, 1883, Mr. Sharon was taken sick, and so continued until the latter part of February. He was, at first, able to be out of doors occasionally, and attended to business to some extent. In February he was confined to his room, and was most of the month in his bed. At the end of January he saw Miss Hill for the first time since October, 1882. She called to obtain money on the note for three thousand dollars, payable in installments during 1883. She did not produce it. It is, perhaps, unnecessary to say she told a falsehood about it. She said her grandmother was its custodian, and was in the country, and therefore she could not endorse payments on it, as had been the custom with the previous note for fifteen hundred dollars. Mr. Sharon said to her, "I don't know anything about that; you get your note from your grandmother, so I can endorse payments on it; I will not

pay you until you do." She remained away some weeks, apparently considering what she would do. She now claims that during this interval she frequently visited him. Sometimes her visits were voluntary, but oftener they were solicited by him through the mouth of Ki, or by messages written on cards or slips of paper, brought to her by Ki. Did she receive such written messages? She has not produced a single letter received by her from Mr. Sharon of later date than October, 1884. Had she received others they would have been produced. Look at the wretched, pitiful scraps of paper she has exhibited, and then ask the gentlemen on the other side whether, if there had been such a continuous, unceasing tide of cards and slips of paper flowing to her, she would not have preserved them? A woman who will keep, for any purpose, such wrinkled, oil-stained and begrimed documents as those produced, will preserve anything. Look at her Exhibit Thirty-eight; it was evidently considered of no value, crumpled in her hand and thrown away, and afterwards hunted up and pressed out. It has a thousand wrinkles. Look at her Exhibit Twelve. It is greased and torn. Examine Exhibit Fifteen. It is absolutely filthy and repulsive. It looks diseased. Inspect her Exhibit Thirty-one. It is in shreds, tattered, torn and beggarly. Evidently, all have been at some time discarded, and then gathered together and preserved. The only one in decent condition is Plaintiff's Exhibit Twenty-one, of the twenty-fifth of September, to "My dear Miss Hill," which, singularly enough, has neither been wet, scorched, pressed, blurred, greased, crumpled, torn nor blotted. It is an unmutilated document; the only one, with two exceptions, that does not appear to have been more or less tampered with and roughly handled. When you consider such facts, the obvious and conclusive presumption is that her story of numberless messages on cards or slips of paper is untrue. If she had received a piece of paper from Mr. Sharon as big as her thumb-nail, she would have preserved it. She has always done so. Mr. Sharon swears he never wrote her a line, and did not know where she was; and we have the fact that her last note

to him was written from Mrs. Brackett's house on Ellis street; we have the fact that he never visited Miss Hill; and so, except her single, unsupported statement, denied by Ki, that he brought her notes and messages—which she does not produce—there is no evidence of communication between her and the defendant. Miss Hill had failed in her project to lure him to the Springs in August, 1882, and it was indeed fortunate for him that he did not go. If this precious pair of "lone birds" had only had Mr. Sharon at the Springs for two or three days in August, they would have settled him! But all her blandishments had come to naught. Even the promise that "us girls will mind you in everything," so significantly underscored, the charming prospect of seeing Nellie Brackett straggling in her effort to swallow "egg in champagne," their pledge to send him home happy, their joint petition for a moonlight ride, all had failed. He did not even send a declination of their polite invitation. He left the "two little lone birds" severely alone, and from the August payment he saw nothing of them, except to pay on the second of September, 1882, two hundred and fifty dollars; on the seventh of September, one hundred dollars; and a month later, the balance of four hundred dollars. Such are the indisputable historical facts.

In February, 1883, Miss Hill called upon Mrs. Samson, ostensibly to discover the address of Mrs. Shawhan. She promptly seated herself at the window commanding a view of Mr. Sharon's houses, then in course of construction on the other side of the street. Mrs. Samson says: "She called at my house with Nellie Brackett, and she rang the bell and said they had called at the house of Mrs. Shawhan, and found she had moved, and asked if I could tell her where she had moved to. I gave her the address of Mrs. Chamberlain on Bush street. I asked her to come in and they both came in. I asked her to take a seat and so she entered into a conversation; and she took a seat in the window that opens on Leavenworth street, directly opposite Senator Sharon's house. She said, in looking out, 'How splendidly you can see Senator Sharon's houses.' She said, 'I came very near having a beautiful house there myself once, or having a row of houses just like they are now.' I said, 'How is that, Miss Hill?' 'Why,' she said,

'didn't you know I was once engaged to be married to Senator Sharon?' 'Why,' I said, 'were you?' She said 'Yes.' I said, 'What was the cause of your breaking off your engagement?' She said it was Mr. Newlands. 'I was dining with Senator Sharon one day, and Mr. Newlands came in and said he wanted to speak to the Senator, and he and the Senator left and in about twenty minutes he returned and said, 'Miss Hill, Mr. Newlands tells me you are reporting it all around San Francisco I am going to marry you, and you are also threatening to blackmail, and I wish you to state in the presence of Mr. Newlands here whether it is true or false.' She said, 'I got up and said, 'Senator Sharon, I am too much of a lady to force any gentleman against his will to marry me, if it is not his wish and will. But,' she said, 'don't you intend to marry me?' 'He said, 'No, I don't intend to marry any one.' She said, 'Let us sit down and have our dinner pleasantly, and we will talk about it.' He said 'No, I will return here in about an hour,' and he left and did not come back. She also said she had nursed Senator Sharon during his illness; that she was a very beautiful reader and it was impossible for the Senator to sleep, and she could always read him to sleep, and he said invariably—he would say, 'Now, Allie, will you come in my room, and don't close the door,' he said, 'you know all the people will talk in the hotel,' he said, 'and the woman I intend to make my wife must never have a shadow against her name,' and she said, 'Don't you think that showed he loved me, and treated me with a great deal of respect?' I said, 'Yes, certainly, he treated you with a great deal of respect, but certainly I would not have gone there if I had been a young lady like you, to nurse him.' She said, 'I had nobody to advise me, and what difference did it make, I was so certain he was going to marry me.'

At this interview she said that at the marriage of Miss Flora at Belmont, she was present, and she said when she came to the room she looked so beautiful the Senator said, 'Allie, let's you and I stand under the marriage bell and be married.' And she said, 'That would be a very indelicate thing, Senator, for me to take the place of your wife on the night of your daughter's marriage.' She said on this occasion she was introduced to Fred Sharon, and he said, 'Fred, this is the lady I intend to make my wife, and I wish you would show her every attention.' She said she sat at the table that evening, and Fred Sharon noticed the diamond ring she had on her finger and he said, 'That is your engagement ring, and I know father gave you the ring,' and he took it off and put it on his

own finger. She said the Senator became so indignant and jealous that he wouldn't speak to her during the evening after that."

This was probably the same ring which she told Mrs. Bornemann had been taken from her at Belmont by young Mr. Sharon on the twenty-third of December, 1881. It served here for another romance.

"She also said that on her return to San Francisco Fred had paid her attentions for several days, and in all the time—at this time, the Senator would not come near her, and she said at last, one evening, he came in her room perfectly outraged and indignant with Fred, and told Fred to go out of the room, to go elsewhere and get support; that he wouldn't take care of him any longer; she said then Mr. Sharon and he had some few hot words together, and she said she resolved at that time all would be ended between him and her. She said she then sent word to Reuben Lloyd, a gentleman whom she had once been engaged to be married to, who had some papers of hers, and asked him to bring them; she had decided to go to Europe at that time; she said her brother was perfectly delighted with her for breaking off her engagement with Senator Sharon, as the Sharons were drygoods clerks and school teachers; but she said when Mr. Lloyd came to see her a day or two afterwards, Senator Sharon saw him come out of the room, and he wrote her word he would like to speak to her, and she said then and there that breach was healed; that the friendship existed more than ever, and that the Senator said, 'I thought, Allie, you had renewed your engagement with Reuben Lloyd.'"

Is it possible this narration is an invention of Mrs. Samson? Mrs. Samson has been bitterly attacked, and an effort made to impeach her character for truth by the disparaging gossip of several women with whom she has had personal difficulties about money. She manifests towards Miss Hill a hostile feeling, growing, as she says, out of the fact that Miss Hill, when she proposed to sue Mr. Sharon for damages in an action for breach of promise of marriage, approached Mrs. Samson with a corrupt proposition, and solicited her to swear to a falsehood, to wit: That she had been present in Miss Hill's room in the Grand Hotel and heard Mr. Sharon say he intended to marry her. This attempt at subornation led to a quarrel between them. Mrs. Samson said she then told her if she made Mr. Sharon

any trouble, "I will go to him and tell him what you have done; I will tell him all I know, and if there is anything I can do to defeat you, I will do it." In accordance with that promise, Mrs. Samson obtained a letter of introduction to Mr. Sharon from Archbishop Alemany, called upon him, told him her story, and offered to do all she could to defeat Miss Hill's claim; she offered to find witnesses, and did find two or three. I am free to say her testimony is to be taken with the allowance due to all these circumstances; but that Mrs. Samson's account of her acquaintance with Miss Hill is substantially true, there can be little doubt.

About the time Miss Hill held these interviews with Mrs. Samson at her house on Pine street, she wrote Mr. Sharon defendant's Exhibit Forty-four. Upon her present theory, ever since June, 1882, Miss Hill and her husband had been reconciled; he had learned of her interesting condition in July, 1882, and of her own accord she had forgiven him the gross insult communicated through Miss Brackett, and had continued to be quietly recognized by him as his wife; and they were, to use her own language, "reunited," though on his part there was a desire that "this reunion should be kept quiet a little longer." Under this alleged state of facts, and while Mr. Sharon was sick and confined to his bed, she writes him defendant's Exhibit Forty-four, as follows:

"Senator:—

I hear you are quite ill. I should like if you will let me to come and read to you or sit with you of evenings and wait on you, and rub you as I used to do. Perhaps I may prove entertaining enough to help drive away both your cares and your pains, and you know no one would do so with more love at heart than I. You surely have not forgotten what a nice little nurse I proved myself in your last illness, and you cannot but remember how willing I was to be up with you or rub you of nights at any time or any hour, and I assure you, you will find me just as willing and agreeable now. Please Sen., don't deny me the pleasure of being with you while you are sick. No one knows better than I how little you sleep any way, and how nervous and restless you are; and if you will let me come I will do all I can to drive away the loneliness at all events. I should like to see you to-day, anyway, it being

the first of the month, and I would like to get some money. I don't like to have to ask for it while you are ill, but you know house bills have to be paid, so prey forgive me for speaking of it in this note. The weather is bitter cold and has been for the last day or so, and I feel it very much in this little house unless I keep a great fire burning all the time. I don't think I ever suffered so much from the cold in all my life as I have this Winter. With love, I am as always, A."

Is there anything in this letter tending to support her theory? Does it, in any phrase, indicate she was his reconciled and loving wife, daily expecting to be restored to his home and his bed? I answer no. It shows, on the contrary, that she had two objects in view; one, to obtain access to his rooms, and, if we judge by what she had done in the past, we know what she was trying to do then. The fortune tellers say she was endeavoring to subjugate him by means of charms which could be administered only by her own hands. The other object was money. Mr. Sharon has explained the nature of Miss Hill's attentions to him in August and September, 1881, saying that he had forbidden her his rooms; but her pitiful petitions to be allowed to visit him, and to which he yielded, gave her opportunity to poison his medicine and wines with the potions she had obtained from Mrs. Scott and others. He was by this time tolerably well informed as to her plan of operations, and refused to see her. He did not even answer her. If he had, she would have produced his reply. He neither gave her money nor paid any attention to her communication. He treated her with cold, calm, silent disdain. He had done with her; he had settled with her and paid her, and was no longer bound to her by any tie. He was performing a commercial contract in paying her money during the year 1883, and wanted nothing further to do with her. The first time she succeeded in obtaining money from Mr. Sharon in 1883, was on the nineteenth of March. She did not obtain access to his rooms, and did not "nurse" him. She did not go for money until March, because in January he had refused to pay her until she produced the note. Shortly before the payment of the twenty-second of May, she again wrote him, and this note con-

veyed to him the first information he had of her residence in Laurel Place. Let me read it here, though out of order :

"My Dear Sen. :—

Would you kindly bring or send me up some money ; you know I have only what is in your hands, and my bills for two months are now coming in. I don't think you would care to see me have any trouble, and I know with all your wealth, you would not care to take from me what you know is my all. I will be home this evening and all day to-morrow, so if you will either come and bring it or send it.

18 Laurel Place,

A.

Between 1 and 2 Street,

Folsom and Harrison.

Please don't leave this where it will be read and re-read."

Was this a letter from one who believed herself to be the wife of William Sharon ; married to him in 1880, driven by him into the street in 1881, reconciled to him in June, 1882, expecting maternity in the early Spring of 1883, maintaining intercourse with him by letters and messages, and visiting him constantly when he sent for her ? Is the language of this letter or of that which preceded it, consistent with these alleged facts ? Did she understand then, that she was William Sharon's recognized wife, with a wife's interest in his great fortune, holding muniments of title to one-half of the common property they might acquire, and which in her declaration she estimates at ten million dollars ? Is she a wife, who says, " You know I have only what is in your hands, and my bills for two months are now coming in ?" Is she a wife who says, " I don't think you would care to see me have any trouble ?" Is she a wife, who says, " I know with all your wealth you would not care to take from me what you know is my all ?" Is she a wife, who says, " I will be home this evening, and all day to-morrow, so if you will either come and bring it or send it," and then gives him the precise location of the house where she has been living since November of the previous year, " 18 Laurel Place, between First and Second Street, Folsom and Harrison ?" Mr. Sharon says he did not know where she lived until he received this letter. If Miss Hill had been receiving visits from Mr. Sharon two or three times a month from November, 1882, to March, 1883 ; if he had been sending Ki with verbal and writ-

ten messages, why should she be so exact in addressing her note from "18 Laurel Place, between First and Second street, Folsom and Harrison?" She swears that Ki brought her one hundred messages in ninety days. And yet, when she writes in May, 1883, she says, "18 Laurel Place, between First and Second, Street, Folsom and Harrison." This fact alone is an answer to her pretenses of constant intercourse.

In March, 1883, and before Miss Hill received the first payment on the three thousand dollar note, Miss Brackett says she took a note from Miss Hill to Mr. Sharon asking him to permit her to dine with him on the evening of her birthday; he said he expected to go away, and might not be here, but would let her know. On the nineteenth of March Miss Hill went to Mr. Sharon's office, collected the first installment on the three thousand dollar note, and Mr. Sharon took a receipt from her signed "A. Hill." She then confessed she had told him a falsehood; that her grandmother never had the note; that she had lost it; that she had hunted everywhere for it, and being afraid he would suspect it might turn up in possession of some other person, she was induced to tell him this falsehood. He told her if she ever found the note to bring it to him; paid her two hundred dollars and she signed the following receipt:

"Received of William Sharon, \$200 on account of note lost or mislaid, March 19th, 1883.

ALLIE HILL."

Mr. Sharon continued to take receipts in this form from her, from this date to the seventh of September, 1883, the day before she caused his arrest. All her receipts were for payments on a "note lost or mislaid," and were signed "A. Hill." He never knew this note was not lost or mislaid until it was produced in this court-room, saddled with a double falsehood: First, that her grandmother had it; and second, that it was lost. Defendant's Exhibit Eight is without date, but it was evidently written after he began to pay on the three thousand dollar agreement. He consented to pay installments on the lost note only on the nineteenth of March, and I assume it was

shortly before the second payment of the twenty-second of May, 1883, that she wrote Defendant's Exhibit Eight, because in it she says, "My bills for two months are now coming in," and the last preceding payment was made the nineteenth of March, 1883.

During March Miss Hill again called upon Mrs. Samson, and took with her Miss Brackett, with whom she had become, in some way, reconciled. Mrs. Samson says of this visit: "She sat by the window and saw Mr. Sharon's carriage drive up to his house, and she said, 'Why, there is my old darling, the beautiful Sen.; just come and look at him.' Nellie Brackett got up, and I got up and said, 'Miss Hill, is that Senator Sharon?' She told me she was worth ninety thousand dollars—I forgot that. I said, 'I don't see what there is in Senator Sharon for a young, pretty girl like you to be so desperately in love with.' She said, 'Why, I would rather be the wife of Senator Sharon and live in a garret on a crust than be the wife of a millionaire and live in a palace.' She replied, 'He is so fascinating, isn't he, Nell?'" Mr. Tyler was highly elated by Mrs. Samson's account of this conversation. He went so far as to say he had never seen any one turn pale so suddenly as I did, on hearing the witness repeat the declaration of Miss Hill that she would rather live on a crust in a garret with Mr. Sharon than in a palace with a millionaire. In his own ingenious and untruthful way, he then proceeded to read the testimony. His reading affords a striking illustration of the manner in which the words of another may be repeated, and a totally different meaning given to them by the mere inflection of the voice. After Mrs. Samson repeated this remark of Miss Hill, I said to her: "What did *you* say?" Mr. Tyler read it: "What did *you say*?" As though I were asking her to repeat what she had said, and upon that he wasted half an hour's time in undertaking to misrepresent this testimony. I have often wondered what estimate he has of Judges; what he thinks a Judge is made of when he sits upon the bench, as familiar with the evidence as any of the counsel. Mr. Tyler, claiming to be a lawyer of experience, deliberately misrepresents the testimony, and then looks into the Judge's eyes with an appearance of honesty and candor, as if he really hoped to

induce him to believe something diametrically opposite to the plain and obvious fact, as the Court cannot fail to see it.

Mrs. Samson says that after this visit, which occurred about the twentieth of March, 1883, Miss Hill was constantly at her house. During March, Miss Hill unfolded to Mrs. Samson her plan of suing Mr. Sharon for breach of promise of marriage, and solicited her active co-operation in the enterprise.

During the month of March, 1883, the plans of the plaintiff with reference to the defendant assumed definite shape. She had been talking, threatening and discussing what she would do to get even with him, to use her own language, for the outrage she considered he had inflicted upon her in expelling her from the Grand Hotel and exposing her to public obloquy and disgrace. She had a general conversation, as we know, with Mr. Robbins in December, 1882, and what was then but a speculation of her mind, assumed a definite form during the month of March, 1883. Mrs. Samson says:

"She called to see me, and she was very nervous and excited, stating, 'Mrs. Samson, I want to see you on very important business.' We went into the room; she said, 'Lock the door;' I locked the door. She said, 'Now I understand you have told me you have a very heavy lawsuit, and you may lose it. You have daughters; and I want you to help me in this breach of promise case with Mr. Sharon. I will give you one hundred thousand dollars if you will. You can travel the whole world over.' I said, 'What is it, Miss Hill?'"

I call your Honor's attention to this conversation. It contains the same kind of prompting, made in precisely the same way, in which Miss Hill made her suggestion of perjury to Mrs. Reigart in the letter of September, 1883, in which she says, "*If I remember rightly,*" Mr. Sharon said so and so; and "*If Mrs. Reigart can only remember this,* it will be great evidence." It is the same species of suggestion of perjury as that she made to Mr. Reigart in the same letter: "*Some one told me* the other day that when Mr. Reigart was advised not to let his wife go with me—saying I was Mr. Sharon's woman—he laughed and said he perfectly understood the relation between Mr. Sharon and that young lady, and was satisfied to have his wife continue the acquaintance; that he had talked very plainly to

the Senator on this matter when these reports reached his family in regard to Miss Hill: and the Senator had perfectly satisfied him Miss Hill had a right to both his rooms and his carriage. *I cannot believe but* that the Senator admitted to Mr. R. that we were married, but that he desired it kept a secret."

Impelled by a similar criminal purpose, she now says to Mrs. Samson: "Did you think that the first time you met me at the house of Mrs. Shawhan was our first meeting?" She answered: "Certainly, Miss Hill, as far as I know it was. Did we ever meet before?" She said "Don't you remember?" Mrs Samson continues: "I said, 'No, I have a very good memory, but I cannot think of that; was it in a hotel?' She said, 'You know.' I said, 'You will make me think I have softening of the brain if you talk that way.' She said, 'I will tell you now, Mrs Samson, I want you to help me. If you will swear that you visited me at the hotel and heard Senator Sharon say we were engaged to be married, I will do just what I say.' I said, 'Miss Hill, you have made a mistake in the woman, entirely.' I said, 'You visited me, you wore me out with your visits, yet I said nothing; I believed you loved Senator Sharon from your own statement and wanted to sue for breach of promise.' I said, 'If there is no more principle in the thing, I certainly do not want to get myself in San Quentin.' I said, 'Never in my life did I see Senator Sharon until you pointed him out to me in his carriage the other day.' 'Oh,' she said, 'you need not get so angry about the matter; I know something about you.' I said, 'Miss Hill, it makes but little difference to me what you know about me; there are no sealed books in my life, and no skeletons in my closet. You can tell just what you please.' 'Oh,' she said, 'you were arrested once.' I said, 'Yes, I was arrested once, but I was honorably acquitted.' I said, 'It is a thing that may happen to any lady in the community from spite and malice.' I said, 'If that is all you can say about me, I have no fear. Go and tell it.' I said, 'If you attempt to blackmail Mr. Sharon, it matters not whether I be north, south, east or west, I shall tell him.' She left the house and has called on me twice since this suit, with Nellie Brackett, and I did not see her."

And such was the end of her acquaintance with Mrs. Samson!

If we had not learned so much of the plaintiff; if we had not seen her not only willing but eager to enter into a wicked

compact with True and Wells for the presentation of false testimony ; if we had not seen her attempting to suborn Mr. and Mrs. Reigart ; if we had not seen her taking possession of Nellie Brackett, making her a slave, and for the purposes of this suit, a criminal ; if we had not seen her putting this shallow-pated boy Rodney on the stand to falsely testify to the transmission of that fictitious letter of June, 1882, to Mr. Sharon ; if we had not listened to her falsehoods in relation to her introduction by Mr. Sharon, to Mr. Mazes, to Mrs. Reigart and to those mysterious and unknown gentlemen on Sutter street ; if we had not heard her assertions with reference to Dr. Sawyer, which are demonstrated to be pure fabrications ; if we had not heard her testifying to the possession of a book which by no possibility she could have had ; if we had not heard her swearing to an alibi, and undertaking to prove it by testimony which we shall satisfy your Honor is suborned, it might be difficult to understand how Miss Hill could, on such an acquaintance as she had with Mrs. Samson, deliberately make to her such an infamous proposition. But it is in harmony with her general course, and according to her usual method of handling all these people. Some of them, like True and Wells, have exposed her ; others, like Nellie Brackett, have been, by herself, driven away from her. Of all her band of accomplices there remains but Mammy Pleasance. She

“ Is the last rose of Summer,
Left blooming alone ;
All her lovely companions
Are withered and gone.”

Out of the array that presented itself at the outset of this trial, Wells, True, Brackett, Rodney, Pleasance, Wilson, Snow, there is left only Mammy Pleasance ! This last piratical craft has thus far survived the storm ; before we get through, we shall see her under bare poles and on a lee shore.

I yet expect the day to dawn when Mammy Pleasance, prior to her departure in that chariot of fire which Mr. Tyler asserted would come for her on the occasion of her translation, will tell the truth ; just as I firmly believe that had your Honor not

deemed it your duty, in the midst of this trial, to commit Martha Wilson and Wells for perjury, there would have been another confession, that would have cleared up every doubtful point, and we should have had the history of the manufacture of this contract ; of the mode in which alterations were effected in the pencil letters, and the origin of the traced letter !

It is impossible that the story told by Mrs. Samson is not substantially true. We know she did talk to Mr. Hornblower on behalf of Miss Hill. The testimony was permitted to go to the point that Mrs. Samson and Miss Hill did have a meeting with Mr. Hornblower, though what occurred between them was eliminated from the case under the rule that an attorney cannot testify concerning that which he receives in the way of confidential communication. Besides, as we follow the line of this intimacy with Mrs. Samson, we find the general scope of Miss Hill's plans precisely in accordance with that intimated in December, 1881, when she conversed with Mr. Robbins at the corner of Post and Kearny streets. She unquestionably, at this time, contemplated only an action for damages for breach of promise of marriage.

At this time, also, Miss Brackett swears that although Miss Hill had herself been to Mr. Sharon's office on the nineteenth of March and collected two hundred dollars, she was specially sent to Mr. Sharon to ask if he would permit Miss Hill to dine with him on the twenty-sixth, Miss Hill's birthday. He said, "All right ; tell her to come down." Miss Hill says that having received his permission, she arrayed herself for "the reunion" and went to the hotel, and to his room. Mr. Sharon told her he had an engagement with Mr. Newlands, and could not very well entertain her that evening, but would do so on Thursday. In this narration she has the benefit of Miss Brackett's corroboration ; and it is according to the eternal fitness of things that she should. These ladies understand the principle of the division of labor, as applied to perjury. Miss Hill undertakes to shoulder no burden where it can be shared with Miss Brackett. It would have been natural to say : "I was at Mr. Sharon's office on the nineteenth of March, collecting a

couple of hundred dollars on the lost note. I told him the twenty-sixth was my birthday, and I would like to dine with him on that day, and he said, 'All right, come down.'" But she does not take the responsibility. She wants backing. It has happened often that whenever she gets on dubious ground, or a plain, unequivocal falsehood is to be told, she shares the responsibility with Miss Brackett. Wherever she has to maintain a lie, she is supported by Miss Brackett, and Mr. Sharon's denial is opposed to the oaths of the pair. There have been many occasions, notably in the year 1882, where this occurred. As in the bedroom scene; as in the forged receipt and character certificate act; as in the interview early in July about the coming child; and I may say here, that although Miss Hill sent Miss Brackett to make this interesting communication to Mr. Sharon on the first of July, they do not appear to have paid the slightest attention to it afterward. Indeed, no one knows to-day what the result was; and although, in the ordinary course of human events, the little stranger would have made a debut on the world's stage about this very time, of the alleged invitation to dinner, are still in ignorance of its fate. It is indeed a "lost child."

I remark that nowhere is the artificial construction of evidence by these stupidly bad women more manifest than in their handling of this episode. Mr. Sharon says he did not invite her to dine with him on her birthday, or at any time, or for any purpose. He did not see her in the Palace Hotel on Monday, the twenty-sixth; he had no conversation with her, and did not tell her to return Thursday evening for the reason that he was busy with Mr. Newlands, or for any other reason. He pronounces the whole story, commencing with Miss Brackett's alleged interview with him, in which she sought an invitation for Miss Hill to dine with him, and ending with the interview on the night of the twenty-sixth, to be a guilty fabrication. All the known facts corroborate his assertion. Miss Hill had been to his office on the nineteenth of March and collected two hundred dollars. She went to the Palace on Thursday, the twenty-ninth of March for the purpose of making a call on some person whom she had formerly known, a stranger in the city

who had just arrived from New York. She did not go there for the purpose of dining with Mr. Sharon; but, when once there, she thought she would attempt to get into his room and converse with him for some purpose of her own. She went to Mr. Sharon's room and knocked. The room was lit. She received no answer. Miss Brackett says :

"Then, about Wednesday or Thursday of that week, she went down to the hotel with Frank Rodney and myself. She said that he had said she could come to dinner that night; that Newlands or somebody was in there and he could not have her. We went down and Frank sat in the rocker while I stood in Judge Ross' hall. She went to the door, knocked and received no answer. She was going along to the hall where the porter stands when he came out of one of the rooms. He had a pitcher, or something like it in his hands, and she asked him to please see if Mr. Sharon was in the house, and let him know she was there. He said all right, he would, and went off. I suppose he said 'All right.' He went down stairs. Pretty soon a man came along with a basket of wine; she said, 'Have you a pencil and a piece of paper?' He said, 'Miss Hill I am not here to wait upon the ladies, you will find a pencil and a piece of paper in the porter's office.' She went round there, came back with an envelope in her hands and stuck it under his door; as she did so, a tall, stout man came along, knocked at Mr. Sharon's door and said, 'Senator, Senator,' and there was no answer. Then he turned to her and said, 'Miss Hill, what are you doing here?' She said, 'I came down to see Mr. Sharon.' He said, 'You have got no right to be here.' She said, 'I have.' He said, 'No, you have not, and the orders are to put you out of the hotel.' She said, 'If Mr. Sharon gave you any such orders as that, to put me out of the hotel, I wish he would come and let me know himself.' He said, 'I did not say Mr. Sharon told me.' At the same time she went down along the hall where Mr. Rodney was. As she passed where I was standing, he pushed her in the back once or twice."

Miss Hill said :

"Thursday evening I went down, and as the Governor and his wife were out here from New York city, great friends of mine—his daughter is a great friend of mine—and I said to Frank and Nellie, I will dress myself up for a call. Perhaps Mr. Sharon would not feel in a humor to see me that evening, and so I made Frank prepare himself, so in case Mr. Sharon did

not see us, we would go and make this call. I went and knocked at Mr. Sharon's door, and all the windows were lit up. I of course fancied it was for me. When I knocked at the door I received no answer, and in a few minutes a colored man came out from the hall below and said, 'Miss Hill, do you wish to see Mr. Sharon?' I said, 'Yes, I wish you would tell Mr. Sharon I am here at his request.' He says, 'He has just gone down stairs with Mr. Newlands.' I said, 'Will you go down and see if he is there?' I went down the hall, and a colored man came along and set a basket of wine down in front of Mr. Sharon's door. I went and sat in a big rocking chair generally occupied by Mr. Ki. I went up and asked if he would give me a card, that I might make a note to Mr. Sharon, that I wished to make a call on some one up stairs. The boy was a long time coming. He said, 'Miss Hill, I am not here to wait on Mr. Sharon's women.' And I said, 'Thank you.' I walked around to where Nellie was standing and I said, 'I don't understand this. This is very funny talk to me.' I passed by Frank and I made some such remark, and I went around the elevator and wrote a note to Mr. Sharon and said I would call back again when I got through with the next floor, and if I found the door ajar I would come in, and if not I would not interrupt him. I wrote my note and put it under the door, and as I started off, a policeman they call Fogarty—he has been a night watchman at the Palace Hotel for years there—(pausing).

Q. What occurred?

A. A burly Irishman kind of man, he came and put his ear to the door, and knocked two or three times, and called out 'Senator,' and I stopped to turn round and see if he was going to get an answer, and with that he stepped back two or three steps and shoved me in the back, and cursed me and said to go down that servant's elevator where I belonged. That that was the place for me. I asked him what he meant, and he said that was his orders from the head of the house. I said 'If Mr. Sharon wishes that treatment to me, let him come and tell me himself. I have never imposed myself on Mr. Sharon.' He kept on cursing and I stepped around and spoke to Frank and I asked him if he would attend to that man and see what it was. The man said I was arrested. I sat down and said 'If I am arrested what are you going do with me.' He said, 'I intend to take you to the Police Court and I will show you up to-morrow morning.' I said, 'Very well, if Mr. Sharon wishes me to be arrested on any such ground as that, I will have him

shown up.' Finally he said we had to leave the hotel, and Frank persuaded me to go away without any trouble. I said 'You tell Mr. Sharon I will see if this is his wish. He has invited me here and I shall not leave the house.' I said I would leave and make a call down the next floor. I went down and the policeman refused to allow my card to be sent to the lady. He took it from me, and I think he tore it up. Then he said I should go and leave and not be put out of the house, and I said 'No, I would not leave, and I would not be put out of the house.' Frank then told him if he dared to put his hand on me he would have a pretty severe time. The man said he wished no trouble, but that he had to execute his orders, and that was why, and that he did not wish any trouble, but we had better leave, as he must execute his orders. I then went out and went home."

Now, sir, was it true that this woman went by invitation of Mr. Sharon to the Palace Hotel to dine with him and was treated with such indignity, or was it true that she went down to the Palace Hotel, undertook to force herself into his rooms, was interfered with by the policeman and compelled to go away? Miss Hill says that after this occurrence of the twenty-sixth she did not see Mr. Sharon for a week; yet, in fact, she saw him the very next day, received one hundred dollars from him, and the body of the receipt signed by her, is in his handwriting, and he says she signed it in his presence! Miss Hill says the so-called "Old Sharon" letter was written on this day; that she and Miss Brackett called at his office but Mr. Sharon would not see them. He knew they were there, but drove off in his carriage: still he did not see her; yet he drew this receipt for one hundred dollars, she signed it in his presence, and received the money from him!

Miss Brackett wrote the "Old Sharon" letter, and as far as can be judged from its context, it was written on this day, the thirtieth of March. Singularly enough, this letter of Miss Brackett to Mr. Sharon is upon its face a contradiction of the story told by Miss Hill and Miss Brackett, that Miss Hill went to his rooms to dine, by invitation. When this most abominable and shameless letter, addressed by a girl of seventeen years, to a man old enough to be her grandfather, was

read, Judge Tyler laughed consumedly ; seemed to think it was cause for considerable pride, and Miss Brackett squared herself upon the stand and presented an appearance of immodest exultation rarely equalled, and not to be surpassed ! But this letter, like every other contemporaneous act, like every record from which they cannot escape, furnishes a complete and final answer to their present pretenses. Why, if your Honor please, at the time this brazen and debauched girl wrote this letter to Mr. Sharon, under the eye and the whip of her proprietress, she was, as she now pretends, the confidante and friend of both parties. She had been taken into Miss Hill's confidence as early as March, 1882. She had seen the contract ; had read the "dear wife" letters ; had been taken by Miss Hill to Mr. Sharon's room on the thirtieth of May, 1882, and hidden behind his bureau while Miss Hill drew aside the curtains of that blessed marriage bed. She had been present when negotiation was held between them about the receipt for money and the certificate of character ; and more than all, she had been deputed by Miss Hill to break to Mr. Sharon the intelligence of the violation by Miss Hill of the secrecy clause of the contract, and to announce her interesting condition. She had received from Mr. Sharon the insulting question, "Whom does she suspect?" and his admission of his marriage ; had heard him say, "Send Mrs. Sharon down, and mind you keep this thing to yourself ; it is going to be made public soon." She says that from this time on, there was no concealment among the three as to the fact of the marital relations between the parties. All recognized Miss Hill as Mrs. William Sharon. Now read this letter and see whether there is in it a scintilla of evidence to sustain the story of these relations, or of Miss Brackett's knowledge of them. It seems to me a thorough refutation of all the perjury that this wretched girl has been forced to utter under the lash of a mistress harder and more exacting than the cruellest of slave drivers. It answers all her story. It brands her, with the unerring certainty of the eternal judgment of God, as a perjurer and conspirator. Let me read it :

"Old Sharon :—

When I first met you I felt quite honored to think I had on my list of acquaintances a United States Senator, but to-day I feel it a double disgrace to know you. If you are a specimen of the men that are honored by the title of rulers of our country then I must say I pity America, for a bigger coward or upstart of a gentleman never existed, in my opinion, since last Thursday night." * * *

Nellie Brackett swears that Miss Hill was invited to dine, but this is her contemporaneous language: "I WAS PRESENT WITH THE LADY WHO CALLED ON YOU."* Would she have said this if it had been well understood between them that Mrs. Sharon was to dine with her husband by his express invitation? She continues: "I was present with the lady who called on you, and to think of what a coward you must be; your own conscience would not allow you to see her, and politely excuse yourself, but you must send one of your Irish hirelings to do your dirty work." * * *

Does this language "read between the lines," or however interpreted, mean "I went with her when you asked her to dine, and instead of entertaining her as you proposed, you had her ejected in disgrace from your house?" It means rather, exactly what it says, that Miss Hill went with her to call on him—to obtrude herself uninvited upon him. He did not see fit to receive her; he did not even politely excuse himself, but he sent what she called "one of his Irish hirelings to do his dirty work."

She continues:

"I hope God will punish you with the deepest kind of sorrow, and make your old heart ache and your old head bend. I am not one to wish evil to people generally, but with all my heart I wish it to you." * * *

Then follows an astounding sentence, if written by the confidante of Mr. and Mrs. William Sharon; by the spy who had been behind the bureau; by the messenger who had carried the glad tidings of Mrs. Sharon's prospective fruitfulness; and by the trusted friend to whom the husband had said, "Send Mrs. Sharon down!" "You did her a mean, dirty trick, and tried in every way to disgrace her, a *motherless, fatherless girl*, because you knew she leaned on you and was *alone in the*

world." Is this the language of virtuous indignation from the pen of the confidante of Mr. and Mrs. William Sharon? I repeat it:

"You did her a mean, dirty trick, and tried in every way to disgrace her, a motherless, fatherless girl, because you knew she leaned on you and was alone in the world. And a few weeks after God took from you your much-loved daughter. Be careful that after this disgraceful outrage of Thursday night upon her, God does not again bring you to grief, or some great misfortune. I hope He will. I hope He will." * *

Here is yet another bewildering sentence from the pen of the maid who had seen the contract and the "dear Wife" letters, and had heard the defendant speak of the plaintiff as "Mrs. Sharon."

"Instead of trying to hold her up in the world, you have tried every way in the world you can to disgrace her. I should think you would be so ashamed of yourself that you couldn't do enough to atone for the wrong you have done her. I love her and I just hate you. It is well I am not her or I would advertise you from one end of the world to the other. But she feels herself so much of a lady, that she too tamely submits to your insults. Why, you are not good enough for me to wipe my shoe on, much less her. If you knew how insignificant you looked to-day, although I, a poor girl, and you can ride in your carriage. I feel really so much above you that I asked Mr. Dobinson to take my message rather than come in contact with yourself.

The message of insult which you returned to me by Mr. Dobinson was so farcical that I had to laugh in Mr. Dobinson's face and ask, 'Don't you think that man crazy?' I am a poor girl but I feel myself so much better than you—you horrible, horrible man.

MISS BRACKETT."

Heavens and earth! These gentlemen stand here to ask your Honor to find that the infamous falsehoods told by Miss Nellie Brackett are God's wholesome truths. As I have said before, there is not an idiot mowing and gibbering in an Alms-house who would not be insulted by such a proposition. Miss Hill says she did not see Mr. Sharon for a week after this outrage of Thursday, the twenty-ninth of March; that Miss Nellie went down several times; that he sent for her and she went

and received a payment on the lost note. The date of this visit she says, is shown by the receipt: Why, sir, Mr. Sharon swears that from the time he paid Miss Hill two hundred dollars on the nineteenth of March, he did not see her for two months. When your Honor examines the receipts, you will find she collected no money from Mr. Sharon until the twenty-second of May, 1883, when she received two hundred dollars. During this interval of sixty-five days she never went near him: never heard from him! He had told her she must produce the note; and it was just before the twenty-second of May, that she wrote him Defendant's Exhibit Eight. It has no date but its chronological connection with the events is evident. She first received two hundred dollars in March, and collected no more until May, which accounts for this language: "You know I have only what is in your hands, and my bills for two months are now coming in. I don't think you would care to see me have any trouble, and I know with all your wealth, you would not care to take from me what you know is my all." Yet this is the same woman who sues in the Superior Court of the City and County of San Francisco, State of California, for a decree adjudging her Mr. Sharon's wife, and awarding her one-half of ten millions of dollars!

By this time Mrs. Shawhan was living on Bush street. Miss Hill called on her there in the latter part of March. Miss Brackett accompanied her, and at this visit there occurred a conversation, remarkable indeed if the plaintiff were Mrs. William Sharon, but not at all surprising if another view be taken of her relations to the defendant. Mrs. Shawhan says:

"Nellie Brackett came with her, but she said she wanted to see me alone.

Q. What did you do then?

A. I left Nellie in the parlor and took Miss Hill in my bedroom.

Q. Anybody in the parlor with Nellie?

A. My daughter was practising.

Q. Now, then, after you went in the bedroom, did you have any conversation with her?

A. Yes, sir.

Q. State what it was.

A. She accused me of dining with Senator Sharon. I told her she had no right to talk to me in that way. She said she understood some old gentleman had called for me in a carriage and also that it was Senator Sharon. I said, 'Miss Hill, it is not so.' She said, 'It must be so, for I got it from pretty good authority, and I don't propose to stand it.' I opened the door and called my daughter and asked her if she remembered when I went to dinner; she said she did; I asked her if it was Senator Sharon who called for me. She said, 'No, mamma, it was not.' I closed the door and I asked Miss Hill if she was satisfied.

Q. Did she say anything further about herself and Mr. Sharon?

A. Well, she told me she was engaged to marry Senator Sharon—

Mr. Tyler (interrupting)—You were asked a simple question.

The Court—You may answer yes or no to that, madam.

A. Yes; sir.

Mr. Barnes—Q. You did have further conversation with her about Mr. Sharon?

A. I did.

Q. What did she say about him and about herself?

A. When I closed the door I asked her if she was satisfied; she said, 'Well, maybe I am.' I asked her then who told her; she said my cook had told her. I told her I didn't think her method of finding out those things was very good; she said, 'Well, don't be angry; but if you continue to go with Mr. Sharon that way, it won't be well for him; I will sue him,' she says, 'for breach of promise, and I will bring your name in and disgrace you.' I said, 'You are crazy. I have not seen him for two years, and not even spoken to him.' Then she said I need not get angry, and she would tell me the whole thing.

Q. Then, what did she tell you?

A. She told me she had been engaged to Senator Sharon.

Q. Go on, and tell the whole of the conversation.

A. But that Mr. Newlands had broken it off and it had been the cause of the ill feeling between the two; she said she was there dining, or Mr. Sharon was visiting her one evening, and Mr. Newlands called him out, and when Mr. Sharon came back he said, 'Miss Hill, my people have heard I am married to you, and they are very much worried over it; I wish you would state the truth in my presence—'

Q. (Interrupting)—State the truth to whom?

A. To Mr. Newlands; 'I wish you would state the truth in my presence to Mr. Newlands.' She said, 'No; but Senator, don't you intend to marry me?' and he said, 'No, I don't.' And she said Mr. Newlands was highly elated over it, and went off laughing without even bidding her good evening. She then said that she at one time had settled business with Senator Sharon; had given him a paper, but it would never do him any good, for she destroyed it, and said her name was mixed up with him until people were talking about her, and if he did not marry her as he had promised to do, that she would fix him so Newlands would not laugh at her; something to that effect; and we talked about other things.

Q. After that visit when did you see her again?

A. I did not see Miss Hill again, I think, until last Fall, when I came from New York."

Let us pass now to the first day of May, 1883. Upon Miss Hill's cross-examination she was, quite unexpectedly to herself, asked the following question:

Judge Evans (showing a package to the witness)—

Q. Did you ever see that before?

A. I never did, sir; no, sir.

Q. Did you ever see that?

A. I never did, sir, to my knowledge.

Q. Did you ever see that (showing)?

A. I never did, sir.

Q. Did you ever see that (showing)?

A. I never did, sir. I never saw any of it.

Q. You never saw any of those things before?

A. I never saw any of those things before.

Q. Did you go to the Masonic Cemetery in company—

Mr. Tyler (interrupting)—I move to take those things out of the court-room, or send them out by the Sheriff.

Mr. Evans—Q. Did you go to the Masonic Cemetery on the first day of May, 1883, in company with Miss Nellie Brackett?

Mr. Tyler—That is objected to as incompetent, irrelevant and immaterial.

A. I don't remember.

Mr. Evans—Q. And go to a newly made grave and get down in that grave with a package containing those things and ask the man there in charge to assist you to put it under a box where a dead body was to repose?

Mr. Tyler—I object to that."

By this time she had recovered her senses and said: "I never did anything of the kind in my life, sir. You may bring all the world here, and that is a falsehood, and I defy anybody to prove it. If you think you are doing this to dirty me over the world you are making a great mistake, sir.

She was sparring for time!

A. In the first place, will you please to tell me the year this was in?

Q. 1883. Last May.

A. I never did in my life do anything of the kind. I have been to cemeteries, all the cemeteries, frequently, with Miss Nellie.

Q. Did you not remain there with Miss Nellie Brackett until the coffin was put in this grave?

A. I never did.

Q. Did you not remain there until the grave was filled up late in the evening, and then come away?

A. I never did. I told you I did not do it.

Q. You are sure of that?

A. I will swear to it.

Q. Well, you are swearing to everything you state here, aren't you?

A. Yes, and I will doubly swear.

Mr. Tyler—Don't talk to the witness.

The Witness—You might interrogate this man and see what he knows about it. I wish you would. I never saw the man in my life before, at all. I presume he has had a well-paid fee for doing something of the kind.

Mr. Tyler—I submit that those things should be returned to Dr. Meares. This lady has sworn she never had anything to do with these things.

The Court—They may have the custody of their Exhibits.

Mr. Evans—Q. Didn't you say to the man in charge of the grave that if you could be permitted to place that package containing some underwear of a rich gentleman under the box where the body was to repose that it would work a charm and enable you to bring him to you, and to marry a rich man?

A. I never did such a thing, and consequently I never repeated such a conversation.

Mr. Tyler—I object, unless the time and place are mentioned.

The Court—I understand the time mentioned is the first day of May, and the Masonic Cemetery is the place named.

Mr. Tyler—I submit the party has no right to be questioned in regard to a thing of that kind unless the person is named. Who is the person ?

The Court—I think it complies with the rule.

Mr. Tyler—They must inform the witness of the name. That is the question, as to who the person was.

Mr. Terry—Time, place and circumstance should be mentioned.

The Court—I will direct them to name the person.

Mr. Evans—George Gillard is his name.

A. I never heard of such a person in my life.

Q. Did you ever hear of such a person who had lived with the Bracketts, an old friend of theirs, and had lived with them for some years ?

A. No, sir.

Q. Did you ever hear of a man of that name ?

A. I never did, sir.

Q. Did you ever hear of such a person, a friend of Miss Nellie Brackett ?

A. I never did.

Q. On the occasion to which I refer didn't you insist on paying the man some money, and he declined to take it at first ?

A. I never did.

Q. Didn't you tell him the charm wouldn't work unless you paid money for it, and you prevailed upon him to take a silver dollar ?

A. I did not, sir. No doubt you can hire lots of people to come here and swear to all such dirty stuff to get me in the newspapers. Mr. Sharon has plenty of money."

As I have already remarked, this graveyard episode had no particular significance except to sound the abysmal depths of mental and moral degradation to which this pinchbeck scion of back-woods nobility had at last descended. It tended to show that her association with sooth-sayers, necromancers, fortune tellers and witches, and her intimacy with a certain class of negroes that seemed especially given over to such practices as Voodooism prescribes, had led her to the commission of foolish and unwomanly acts of superstition, indicating no confidence on her part in the strength of her relations with Mr. Sharon, and certainly no notion that she was married to him. And when she reached such a state of debasement that

she could invade a newly made grave and, with blasphemous incantations, bury underclothing with faith that while it was rotting, the man to whose flesh it had at one time been appurtenant, would either marry her or die, her conduct became most interesting; not as a persuasive or controlling fact in the case, but rather as suggesting a curious psychological problem, to wit: Whether there could be one claiming to be born and bred a lady; educated, refined in her earliest associations, and deeply religious, who could perform acts so degrading, so repulsive, so barbarous and unchristian! The fact that she and Nellie Brackett did, on the first of May, 1883, go to the Masonic Cemetery, and with the aid of George Gillard, put a package underneath a box in the bottom of a new made grave in the Oriental Lodge lot, seems to be demonstrated. But Miss Hill's denial of the fact was so positive and peremptory, so entirely unprotected by other evidence, that Mammy Pleasance was induced to shoulder the burden of proving an alibi; of establishing that, no matter who did inter the package in that grave on the first of May, Miss Hill and Miss Brackett could not have done it, because they were not there. Mr. Tyler has argued at considerable length that some emissary of the defendant was guilty of this indecency; that in some way he managed secretly to open the grave and deposit this material for the express purpose of finding it. I take it that view obtained no lodgment in the mind of the Court. The fact that it was deposited on the first of May, 1883, is beyond doubt. The question more difficult of solution, perhaps, to a mind entirely unprejudiced is, who the women were who did it. Gillard positively swears to the identity of both. He knew Nellie Brackett personally. He saw enough of Miss Hill, he says, to be able to identify her, and he does so. This man must either be telling the truth or else be committing willful perjury in a matter in which he has not the slightest interest; unless, of course, according to the suggestively contemptuous shrug of the shoulders, and the bitter smile of Judge Terry, he was bribed by some one on our side, to swear to a falsehood on a matter almost immaterial, to the main question, for the

sake of gratuitously injuring his client, of the remains of whose case as a married woman, at the time Gillard came on the stand, there was not enough left to make a decent funeral! Mr. Goyetti (who saw them as well on the afternoon of the thirtieth of April, when they stood by a grave near the rear of the cemetery, in which he was at work, and with whom Miss Brackett then conversed, asking if the grave he was digging was intended for a male or a female, as on the following day when they stood near the grave in which they had deposited Miss Hill's fetich, during and after the funeral ceremonies) positively identifies them. Mr. Gustavson, who saw the two in the cemetery on the first of May, 1883, says they were not the same he sees in court, yet he corroborates both Gillard and Goyetti, and describes correctly the dress of Miss Brackett and all details respecting her appearance. Miss Brackett herself confesses they were there, and that they buried the package under the rough box in the bottom of the grave of Olin. Miss Hill denies the whole story, and, upon rebuttal, has supported this denial by testimony tending to prove she was on this day at the mansion of Mr. Thomas Bell on the corner of Bush and Octavia streets, in this city, from ten o'clock in the morning until five o'clock in the afternoon! We read in the Old Testament of the miracle by which the children of Israel passed through the billows of the Red Sea; but sir, that magnificent historical legend fades into utter insignificance beside the miracle which has opened a path of escape for Miss Allie Hill out of the Masonic Cemetery. It is astounding, amazing, bewildering! When you remember that the package was buried on the first day of May, 1883, and remained undisturbed until, during the progress of this cause, it was ordered to be disinterred by the Health Officer of this city and county; when you remember that between the day of the interment and the day of the opening of the grave, the subject had never been mentioned, and Miss Hill was charged with being one of the perpetrators; it should so happen that, in all the years of her acquaintance with Mammy Pleasance, in all

the months of all the years of her acquaintance with Mammy Pleasance, in all the days of all the months of all the years of her acquaintance with Mammy Pleasance, the only day she ever spent in Mr. Thomas Bell's house, or ever partook of food there, was the first of May, 1883, we have indeed a blessed miracle! We are told that the very hairs of our head are numbered, and that not a sparrow falls to the ground without our Father's knowledge. But, that Divine Providence should so have ordained things that, while this conspiracy against Miss Hill was forming, she should have found by mere chance, such a refuge from a slander so cruel and atrocious, is more wonderful than the numbering of the hairs of the heads of all the men who ever lived, or the heavenly record of all the sparrows that have perished in their flight since birds first fluttered in the air. She was seen, it appears, by five persons, who protected her during the entire day, from ten o'clock in the morning until five o'clock in the afternoon. Each one knew her occupation. Each one corroborated her statement, that she was engaged all day in making doll's clothing for the amusement of the children of a lady she did not personally know, in a house where she was not admitted as a guest of its owner. Three of them swear that when she came they looked at the clock and observed the hour at which she came, and have ever since borne it clearly in mind. Two of them swear she took her luncheon at Mr. Bell's. The nurse says it was served in the dining room by Henry Stepney, the butler; but the cook, who also swears that she admitted Miss Hill to the house, declares she served the luncheon herself, giving her, in the dining room, the remains of a steak that had already served Mr. Bell. Just think of it! Here is a member of the aristocracy of Cape Girardeau in the State of Missouri, who goes to Thomas Bell's house, intending to spend the day with a negro servant who was absent; she is admitted by the cook, and is fed on the remains of one porterhouse steak that had been cut and hacked and hewed by the master just returned from Mexico. This was the only day Miss Hill ever passed at Mr. Bell's; the only day she says she ever took luncheon there. Well, I do not

blame her for not going again. If Mrs. William Sharon known by Mammy Pleasance to be the wife of Senator Sharon, is allowed to visit Mr. Thomas Bell's to spend the day with the cook, and then be fed on a second-hand porterhouse steak, I should not think Mrs. William Sharon would wish to visit the niggers in that house any more! Mr. Bell swears he arrived from Mexico on this day at noon. He ate his luncheon at home, probably spent some time in the society of his wife and children, from whom he had been long separated, and then went to his office. He occupied the dining room where the cook, Miss McHale and Buck Brown's sister say Miss Hill had passed the morning. He doubtless visited his children in the nursery, to which apartment Miss Hill retreated when he took possession of the dining room. Mr. Thomas Bell was not asked whether Miss Hill was in his house that day, though he arrived at twelve o'clock, noon, and was doubtless at home until two o'clock P. M., and perhaps later, because he dressed, ate his luncheon, and spent some time with his wife and children. If Miss Hill had been in Thomas Bell's house, either "upstairs or downstairs or in my lady's chamber," sitting in the dining room, surrounded by her sewing, and left it only to give him an opportunity to take his noon-day meal, and then went back again to her self-imposed task, he would have seen her, or would in some way have been made aware of the fact. Knowing, as counsel do, that he is not friendly to Mr. Sharon, and that out of his house comes the negro woman who has been most busy with tongue and purse in this prosecution, if he could have said one word or dropped a hint which could be of any service, they would have called for it.

One blast upon his bugle horn were worth a thousand such creatures as they have produced here; yet they never asked him a solitary question; they never inquired, "Did you see signs of sewing, any clothes for the dolls of your dear little ones in the dining room? Did you hear any piano playing in those two hours? Did you meet Miss Hill on the stairs, or in the nursery?" Had there been a fact or a circumstance proximate to, or remote from, the fact in issue, which Mr. Bell could

have stated, he would have been most swift to reveal it! Although Miss Hill testified that she was there, she did not see him, did not know when he came nor when he went! All she knew was, that the cook told her of his return, and cleared her out of the dining room while Mr. Bell ate his luncheon; that she went back and ate what he had mercifully, though unconsciously, spared to her; and upon such nourishment toiled at her lonely task till five o'clock P. M. Henry Stepney, the butler, was at home all day, save the few minutes occupied in going to the butcher's for a steak. Stepney served Mr. Bell's luncheon in the dining room. Miss Hill was in the dining room up to the moment Mr. Bell's luncheon was ready. She then left the room and went up stairs to the nursery; she then returned and took her luncheon, which, strangely, the cook claims she served. Your Honor will notice that none of these women pretend that Henry Stepney saw Miss Hill during that entire day; yet it was Henry Stepney whose duty it was to admit her, had she come to the house. He opened the door for others who called. In the natural order of things, the butler would have answered the bell and shown her to the dining room, which she appears to have appropriated to her own use, or some other apartment; but she was admitted by Mrs. Cary, the negro cook. Although Henry Stepney waited on Mr. Bell in the dining room, it is not pretended that he served Miss Hill, who sat at the same table and ate the remnant of his luncheon. A special Providence ordained she should be served by the cook, who left her kitchen to wait on the plaintiff, though there was a butler in the pantry and dining room, whose sole business it was to serve meals! With the exception of the cook and the nurse, not one of the persons who saw Miss Hill, will swear they spoke to her; although some of them were in the room with her at least three quarters of an hour. Mrs. Pleasance knew Henry Stepney could not be dragooned or cajoled into this perjury, and all of these pupils of hers take care to keep him out of it. None of them saw Stepney there, and none of them pretend to connect Stepney with any knowledge of the whereabouts of the plaintiff; and yet he was at

home all day. The chance visitors who came in, one after another, looked in the room and saw her. People came who had no business they could mention, but all came to see Mammy Pleasance. Mrs. Thomas Bell had not the honor of their acquaintance. Some of these callers had never seen Miss Hill before; some have never seen her since. They looked in the dining room, interrogated the clock, observed she was making doll's clothes, made a mental note of the fact, and were prepared to swear to the occasion, the actual day of the month, and hour of the clock; but to the master and to Stepney, the two men of the house, who were present where Miss Hill claims to have been, she was as imperceptible as though she had worn the invisible cap of the prince in the fairy tale. She sat in the dining room, and every time Stepney entered she disappeared. When Stepney went away, she would materialize in all her glory! She swears she was there from ten o'clock in the morning until four in the afternoon; sewed for hours in the dining room, talked with the nurse, played with the babies and performed on the piano, altogether six mortal hours, but never saw the butler once! Yet the bells went ringing for Stepney all day! One would think there was a convention at Thomas Bell's. Every queer and suspicious nigger in this city seemed to have had special business with Mrs. Pleasance. Miss Hill says many persons called. Stepney let in Mrs. Sterrett and other visitors, but the good Mrs. Cary covers the entire period; she admitted Miss Hill to the house between eleven and twelve o'clock in the forenoon, although according to Mrs. Johnson and Miss McHale, Miss Hill had been there since ten o'clock; and Mrs. Johnson was right, because she swears she looked at the clock and she knows it was ten o'clock! Mrs. Cary saw her a second time after Mr. Bell had eaten his frugal steak and potatoes under the superintendence of Stepney, for Mrs. Cary gave her luncheon herself, and went to the dining room a third time about four o'clock and saw that she was gone. Mrs. Johnson, however, saw her eating luncheon, waited on by Stepney! About eleven o'clock Rachel Brown appeared. She "looked at the clock" and re-

mained until after one o'clock in the afternoon, waiting for Mrs. Pleasance to return from a May-Day picnic at Point San Pedro! Did anything ever equal the Job-like patience of these women who called on immaterial, incidental business with Mrs. Pleasance? Every mother's daughter of them swears she waited in silence from three quarters of an hour to four hours for Mrs. Pleasance to return from a May-Day picnic at Point San Pedro. Mrs. Weile arrived about two o'clock, and wearily waited an hour and a half for Mrs. Pleasance to come home from a May-Day picnic at Point San Pedro! Mrs. Sterrett arrived between two and three o'clock in the afternoon, and loitered until half past three o'clock for Mrs. Pleasance to come home from a May-Day picnic at Point San Pedro. Mrs. Johnson says Miss Hill came at ten o'clock, and more patient than all the others, waited and sewed all day long in a house in which she knew neither master nor mistress, for a colored servant to return from a May-Day picnic at Point San Pedro! Not one of these visitors know why she was there, nor stated the nature of the business which brought her there, nor explained the necessity which forced her to remain for hours in attendance. Just think of it! Gathered together on that one day waiting for Mammy Pleasance to come from a May-Day picnic at Point San Pedro, from forty-five minutes to three hours, respectively, were Buck Brown's sister, Mrs. Weile, Mrs. Sterrett and Miss Hill; these visitors and the servants kept one eye on the clock, and the other on Miss Hill, the entire time they were there, and though without the slightest premonition of the purpose for which they were called as witnesses, promptly give date, day of the week and time o'clock! They swear they stood through the day like so many soldiers on guard duty, each with a different relief, each covering a different period of time, but altogether establishing an alibi, which, as I say, affords Miss Hill a means of escape from the Masonic Cemetery not less miraculous than that path through the Red Sea, which rescued the people of Israel from their enemies. It is very remarkable that all these people saw her. If this fact is not remarkable, it certainly is exceedingly remarkable that Mr. Bell and Stepney did not see

her; and it is also remarkable that of all days in the year Miss Hill should have chosen this particular day to send home on a visit Miss Nellie Brackett, her shadow, who never left her; who followed her like a dog early and late; her patient, all-suffering little slave. Miss Hill says this was the only day she ever went to Mr. Bell's to luncheon, or ever made doll's clothes there. Now it turns out to be true she was once at Mr. Bell's to make doll's clothes, and did partake of a noonday meal there. Henry Stepney says she spent that day with Mrs. Pleasance and the children in the dining room, making doll's dresses. He remembers the day, because it was unusually cold, and Mrs. Pleasance directed him to make a fire in the dining room so that the children could come down stairs; and Miss Hill, Mrs. Pleasance and the children spent the day in the dining room where Miss Hill and Mrs. Pleasance ate a meal together! Out of these facts, this perjured alibi was born. Take that day's visit, deduct Mrs. Pleasance, transfer it to the first of May, and there is your alibi. Upon this slender basis of fact is founded the whole superstructure of this ingenious falsehood. Its total depravity baffles all characterization. I shall not attempt it.

About this time Miss Hill's correspondence with the Reigarts becomes frequent and affectionate. She writes Defendant's Exhibit Ten, a gossipy sort of letter, to Mrs. Reigart, in which she speaks of the warm weather and her dress; makes reference to Alex. Sharon's illness; says the Senator's health is not very good and that the entire set are working dead against her; that she don't think really the old man knows half the time just what he is about, and ought to have Mr. Reigart here to straighten him out!

About the twenty-first of this month, as I said before, she wrote Mr. Sharon Defendant's Exhibit Eight; the letter in which she says: "You know I have only what is in your hands. My bills for two months are now coming in. I don't think you would care to see me have any trouble. I know with all your wealth you would not care to take from me what you know is my all;" and to that letter is appended her address, which, as Mr. Sharon said, is the first intimation he had that she

was living on Laurel Place. Mr. Sharon says he had not seen her, except when she came for money ; yet she swears she saw him constantly between the thirtieth of March, 1883, and the date of the May payment.

On the twenty-second of May Mr. Sharon paid Miss Hill two hundred dollars on account of the contract for 1883, and took a receipt to which she signed her name : " Allie Hill."

On the twenty-ninth of May Mr. Reigart wrote to Miss Hill, Plaintiff's Exhibit Forty-four, which has been already read and commented upon, and to which I shall make no further reference at this point.

On the fourth of June Miss Hill again writes to Mr. Reigart and is apparently exceedingly sorry he is not here. About the fifth Miss Hill and Miss Brackett called on Mrs. Smith at her rooms on O'Farrell street ; Miss Hill asked why she had refused to take the money she had previously offered her. Mrs. Smith explained that she did not take money for going on errands, and as late as this day—the fifth of June, 1883—Miss Hill begged Mrs. Smith to see Mr. Sharon for her, but Mrs. Smith again declined. Miss Hill then said : " Here is five dollars ; you have been very kind to me ; I have sent for you and have not paid you, perhaps you consider, for the night I sent for you ; but don't let us part with hard feelings." Miss Hill threw five dollars on the lounge where Mrs. Smith sat, and departed. At this time, as before, Miss Hill proposed that Mrs. Smith should go to Mr. Sharon and say Miss Hill was all right and Miss Dietz all wrong : praise Miss Hill, and win Mr. Sharon to her. As late as the twentieth of June, 1883, Mr. Reigart writes Miss Hill Plaintiff's Exhibit Forty-six, acknowledging the receipt of her letter, and saying : " We do wish you would close that business with the agreeable Senator as soon as possible, for delays are nearly always dangerous."

On the twenty-eighth of June, 1883, Miss Hill called again on Mr. Sharon, collected two hundred and fifty dollars on account of the lost note, and signed a receipt in her own name, " Allie Hill."

On the thirty-first of July Miss Hill called at Mr. Sharon's office and asked for eight hundred dollars. He then wrote a re-

ceipt for four hundred dollars and another for two hundred dollars, and while talking with her was called away, and left the blanks on the table. According to her usual habit of picking up anything, whether important or not, she carried them off and produced them here, as though they could be of any significance except to prove that she was then going by the name of "Miss S. A. Hill," and dealing with him as "Miss S. A. Hill." She says she took them because "Mr. Sharon might sign her name to them and she might not get the money."

On the first of August, 1883, Miss Hill collected five hundred dollars on account of the lost note, and Mr. Sharon took a receipt which she signed as "Allie Hill."

On the sixteenth of August, 1883, Miss Hill called at the Palace Hotel in company with Miss Nellie Brackett, and wanted seven hundred and fifty dollars on account of the lost note. Mr. Sharon gave her a check for seven hundred and fifty dollars payable to "Miss Allie Hill," or order, which she endorsed "Allie Hill" and collected. At the same time he required a receipt for the seven hundred and fifty dollars on account of the note said to be lost, and she signed it "Allie Hill." On this day she made no pretense of any claim upon him, except payment upon account of a sum which she said "was her all." The business had gone along satisfactorily; she had received money without producing any note, though he would have been amply justified in refusing to pay her without its exhibition. From this time she never communicated with him and he never saw her until she appeared in the court of the Palace Hotel about dusk of the evening of the seventh of September. A few hours earlier Mr. Neilson had brought him an order from Miss Hill, calling for money. Mr. Sharon says: "On the afternoon of September seventh, 1883, I saw Mr. Neilson in the grand court of the Palace Hotel. He handed me his card announcing his name, and presented an order from Miss Hill. I asked him to walk across the court, and he walked with me. In the meantime I had read the order, and I said to him, 'I will not pay this order of Miss Hill's. You send her round.' He said that the lady would not come. I said to him then, 'I am going away East to-morrow, and you send her round.' I spoke then rather sharply,

He then said, 'You will not go East to-morrow.' I said, 'I will see about that; you send the lady round.' He did not say whether he would send her round or not. And he went away."

I am compelled here to remark that if Miss Hill had the slightest idea that she had a valid claim against Mr. William Sharon, William M. Neilson would have been the last adviser to whom she would have applied. He was as well known in this community as any other one disreputable person. His standing was bad, justly or unjustly. There was about him a bad moral atmosphere, just as about his physical appearance there is something that excites instinctive repugnance. I ask your Honor's candid judgment, if this lady had believed she was Mrs. William Sharon, and had an interest in his vast estate, is it conceivable that she would have selected William M. Neilson as her standard-bearer, guide and counselor? I will not say "Do you suppose she would have gone to George W. Tyler?" I confine my observation to Mr. Neilson, because, in her correspondence with him, she says, "I did not like Tyler and did not want him, but took him because he was the man you had selected;" so, if there is anything queer about the choice of her lawyer, she is not responsible for it; it is Mr. Neilson's business, and not hers. Here, at hand, were her brother Morgan, her uncle Mr. Bryan, the druggist, whose shop is under the Grand Hotel; her uncle, Mr. William Sloan. At hand were the gentlemen whom she has mentioned, and with whom she claimed to be on friendly terms—distinguished professional gentlemen, who, in a proper case, would like nothing better than to have a just claim of any nature against a man as solvent as Mr. Sharon. But the man of all men upon whom the eye of suspicion was sure to rest, the man who has always blackened everything he has ever touched, was selected to be the standard-bearer in this "fight." The guise in which he went to Mr. Sharon was that of intimidation and blackmail. Mr. Sharon says: "In the twilight of the evening, as I was going to my room, crossing from north to south across the eastern and western hall, I noticed Mr. Neilson, Miss Hill and Mr. Rodney coming down the hall."

Then came an objection, and he resumes :

"As a matter of course, the presentation of the order, and one thing and another, offended me. As I approached I was in some excitement and passion. I marched up rapidly to him, and said to him, 'You blackmailing son of a —, you get out of here.' I spoke it, I think, twice, in a very loud voice. He said, 'Mr. Sharon, you asked me to bring the lady round here.' I said, No, sir, I did not. I told you to send the lady round. I did not expect you to come.' My manner and voice had thrown a little alarm in the party and they were all fluttered. He started to go away and she said, she would not stay there unless he stayed with her, but he still started to go. She looked at him in an imploring way and said, 'Mr. Neilson, what are you going to do next?' I walked with him towards the elevator. I think he remained there. I said to her, 'You come along, Miss Hill, come along to my room, and Mr. Rodney can come along with me.' As I walked along I said, 'I think, Miss Hill, you are acting very badly in the premises.' That is about all I said. As I went towards my room, there seemed to be somebody in my room and she said she would not go in there, so I took her in an adjoining room. There was no ink or paper in the adjoining room, and I went to my room to get some ink and paper, and sat down at the little desk in my room and wrote that receipt for two hundred and fifty dollars, dated the seventh."

The receipt is Defendant's Exhibit Forty-three, and reads as follows :

"SAN FRANCISCO, September 7th, 1883.

Received of William Sharon two hundred and fifty dollars on account of note said to be lost. A. HILL."

"When I wrote the receipt, she kind of grabbed it spasmodically, and said, 'I will not trust you; you have served me so many mean tricks.' She took it towards the mantel and wrote the receipt on the mantel. I think first she asked for more money, and I said I would not give it to her, apprehending from all that I had seen——

Mr. Barnes—Q. Never mind that; just state what occurred.

A. Some discussion arose about it, and I said I would return again. She then said, 'You told Mr. Barnes that I was your mistress.' I said in pretty emphatic language, 'I never said any such thing to Mr. Barnes, and he will not say so.' She then said, 'I have got no character and I will make it hot for you. A jury will believe me as much as they will believe

you.' And then this little boy Rodney saw that she was getting off a little bit, and said, 'Hush, hush.' She said, 'You have no business to talk to me; I am keeping you.' Then she dashed out of the door, and as she walked round she said to me, 'You shall not get married.' I wondered what she meant by not getting married. That is all I recollect that occurred. The statement made by Mr. Rodney about lawful and legal wife was not stated on that occasion or any other. I want to say further in reply, the word 'wife,' so far as Miss Hill was concerned, has never been mentioned to any person in any way, on any occasion; because no such relation ever existed."

Miss Hill gives her account of this transaction on folio five hundred and thirty-two as follows:

"A. We got there and went into the Palace Hotel parlor. I wrote a note, and I think I wrote it saying I was at the Palace Hotel at the request of Mr. Sharon, the message having been received by me through Mr. William M. Neilson for me to call at the Palace Hotel that evening. The boy came back and said Mr. Sharon was not in. Mr. Neilson says,—perhaps he doesn't want that!

Mr. Tyler—Go on; you waited?

The Court (to witness)—You may go on unless counsel objects.

A. Mr. Neilson said perhaps Mr. Sharon did not desire to have him come up stairs, and that is why he had sent down that message that he was not in. I said, 'No, you say Mr. Sharon invited you to bring me down this evening; then you go up to the rooms with me. I won't go up alone.' We then went up on the fourth floor, Rodney, Mr. Neilson and I. I went up and knocked at Mr. Sharon's door. Ki was sitting there half asleep. He got up and said the Senator was not in. With that we started toward the hall and as we got towards Mr. Sharon's door, Mr. Sharon turned the corner. He came up and spoke to me very pleasantly and took me by the arm and said, 'Come along to my room.' I turned and said, 'Come along, Mr. Neilson and Frank.' He said, 'That man shall not come.' I should not be seen on the street with such a man. I said, 'Mr. Neilson has been a gentleman always so far as I know.' He said Mr. Neilson should not come to his rooms. I cannot repeat what he said. He swore. Mr. Rodney has repeated it. Mr. Neilson put his hand up and asked him if he was speaking to him, and it seems he had not heard what Mr. Sharon said. And Mr. Sharon kept on with his hands going and seemed very angry. And we got around to the left and

Mr. Neilson started to the left and Mr. Sharon told a colored boy that was standing there to go down and tell the Sheriff—meaning Sheriff Sedgwick—and Mr. Jackson to come up stairs. I said to Mr. Sharon that was carrying the thing too far, and I believed I had some rights in that house as well as himself; that he had invited Mr. Neilson to bring me down there; that as Mr. Neilson was my escort he could not abuse him in my presence. Mr. Sharon did not seem angry at all with me, and he said there was no use having this trouble, and to come to his room alone with him. I said no, I would not. I then introduced my cousin Rodney, and I said to Mr. Neilson, 'Take that chair and sit there and wait until we return.' And Mr. Neilson sat down and Mr. Sharon stepped one side and had a conversation with Mr. Rodney and said, 'Come along and we will take this gentleman along with us.' He took me by the arm and started to go in. I peeped in the slats of the blinds. I looked in and saw there was a young lady in there in bed, and I refused to go into the room because there was a woman in there, and he laughed and said I was too sharp and I shouldn't see such things. So he got some keys and said I shouldn't go in the room but go opposite. He allowed me to go in, and I looked all round and he asked if Frank and I were satisfied, and he was very pleasant indeed. He asked what I wanted. I said some money. He asked me how much. I said about five hundred dollars. He said I could have only two hundred and fifty dollars. I said I wanted five hundred dollars.

Q. Did he give any reason why he would not pay you?

A. He was only going to be gone, he said, two or three weeks, and when he came back he would give me the money, he said. I said, 'Yes, Mr. Sharon, I am told you have told parties you are going away, saying you will bring back a wife; you know I am your legal, lawful and wedded wife, and nobody can ever come in this city and assume that position until the law parts us.' And he said no, and laughed, and said he didn't wish to quarrel with me. I said no, I didn't come down to quarrel with him; that he had led the best and most intelligent gentlemen in this city to believe that I was not on a par with him.

Q. State what you said.

A. Well, you know what I mean.

Q. I would like to have you repeat the words exactly that you used to him. You said that he had led the most intelligent men to believe what?

A. That I was his mistress. And he held up his hand and

swore before Almighty God that he had never allowed any man to speak unpleasant about me, or to make such a remark about me, nor had he ever made such a remark. I said, 'Mr. Sharon, you have ; for General Barnes told a friend of mine no longer ago than the other day that you told him, General Barnes, that I was your mistress.' He said General Barnes told a something.

Q. Say exactly what his language was. I would like to have the exact language that he used.

A. I have not got the courage to do that.

Q. I want the exact language that he used.

A. He said that he was an infernal liar, and he wouldn't dare to make that remark to his face. I said General Barnes, I think, would make that remark to his face. He said, 'You bring him here,' and I said, 'I would bring him here if you were going to stay long enough.' He said he was going away, and when he came back he would settle with him. That he was only going to be gone a short time, as it was only purely on a matter of business, and when he came back that I would find that he was the same Senator Sharon that he had always been—the same Mr. Sharon that he had always been—and we bid each other good-bye and we went down to the carriage, and after we got down to the carriage, some gentlemen stepped up to Mr. Neilson and we went on home.

Q. Is that the last conversation, now, that you have ever had with Mr. Sharon ?

A. Yes, sir, it is the last time I have ever spoken to him.

Q. That is the last time ?

A. Yes, sir."

Rodney's statement corresponds generally with that of the plaintiff: he says:

"Before she would go into the room to talk to Mr. Sharon she said she wanted to go in and see if there was anyone in the room. She walked in and convinced herself there was no one there, and we all went in. Then he asked her how much money she wanted ; she said five hundred dollars. He said he could not let her have five hundred dollars ; that he could only let her have two hundred and fifty dollars. Then he went out of the room and came back with a piece of paper in his hand which he handed to her. She walked toward the mirror, and then walked back. He was sitting then on the centre table ; she said, 'Senator, you know I am your legal, lawful and wedded wife, and you dare not deny it ; and you have led the smartest and best men in this city to believe I

am your mistress.' He held up his right hand and said, 'I swear before God I never hinted or said to any human being you were my mistress.' Then she read the receipt aloud—no, I am wrong—then she said, 'No more than a week ago you said so to Mr. Barnes.' He said, 'Mr. Barnes would not dare to say so before me, because it is a damned lie.' Then she read the receipt aloud twice, and signed it and tore off a piece of the paper on which the receipt is written; it was written for two hundred and fifty dollars. Then I turned to him and asked him if he was going to be gone two or three months; that I thought it was no more than right for him to deposit the sum of two hundred and fifty dollars, which she draws on the first of each month, so that she might go somewhere and get it. He said he was not going to be gone longer than two or three weeks.

Mr. Tyler—Q. Have you stated in substance what occurred at that time ?

A. Yes, I think that is just as near as I can remember it.

Q. Was there anything said about parting—anything said about the time that you went away about any desire on his part as to—I cannot perhaps suggest what I want without calling your attention to it.

A. Do you mean something in regard to his going away to get married ? Is that the object ?

Mr. Tyler—No.

*Mr. Barnes—*I think, if your Honor please, the witness had better be required to state all that occurred.

*The Court—*So far as you know, what was said ?

*Mr. Tyler—*If there was anything further said I desire you to repeat it ; all that was said at that time.

A. When we went to go away, she wished him a happy trip, but told him not to bring back any woman here claiming to be his wife."

This was all that was said. If you believe the story told by Miss Hill and Rodney, Mr. Sharon, who had never at any time or place been forewarned or forearmed against her, was silent! He was silent when Miss Hill said to him, "Senator Sharon, you know I am your lawful, legal and wedded wife!" Mr. Sharon says she made no such statement; but as she was going out of the room and flirted round the corner she said, "You shall not get married;" and left him wondering what she meant; first, by forbidding him to get married at all, and in

the next place what she had to do with it, if he did. Her visit was not for the purpose of serving notice, of filing a sort of verbal *lis pendens* of her claim of wifehood. Her plan at that time was not to move upon him at all. The only object Neilson apparently had, was to get five hundred dollars; but that Neilson intended some mischief there can be no doubt, because when Mr. Sharon said to him, "I am going away and will be back in a couple of weeks," Neilson replied with that imperious air of his, "You shall not leave this town!" Her original purpose was not to go to the hotel. Neilson could not get the money, and she went with him only because he could not get it. It was strange that she found it necessary to take Mr. Neilson and Mr. Rodney to collect money; because for two years she had been going to Mr. Sharon's office, or wherever she could find him, to make collections. She had been to him already twice during August; collected two hundred and fifty dollars early in the month, and seven hundred and fifty dollars as late as the sixteenth. There was not a cloud in the sky as big as a man's hand to indicate that which has since overshadowed the lives of these people; and it was between the sixteenth of August, when she collected seven hundred and fifty dollars, and the seventh day of September that this "fight," as she says, was precipitated, and this unfortunate creature was drawn into crime by men who did not care what wreck they made of her, so long as Mr. Sharon could be coerced into the payment of a sum of money. Think of it! Complete evidence is found in her letters that neither she nor Neilson, when they started on this crusade, had the slightest idea that there was a valid marriage between her and Mr. Sharon. Here is a communication, written in the utmost confidence to Mr. Neilson, which reveals better than anything else, the history of what she calls "this fight." As I have had occasion to say before in connection with this letter, I now repeat that Miss Hill and Neilson seemed to think a man's lawful wife could come forward and demand her rights, and they could be adjusted just as damages for assault and battery could be adjusted, or a claim for goods sold and delivered could

be settled. They did not appear to know that when a claim of marriage is made, nobody can dissolve it except a competent court of Earth or the High Court of Heaven. Whenever a woman claims to be a wife, the alleged husband must admit the claim and live with her, or suffer the courts to divorce her from him. They believed Mr. Sharon's relations with her and with other women had been such, that rather than be exposed, hauled into the courts and prosecuted, he would settle by paying a large sum of money for the withdrawal of her claim, and the plunder would be divided among the conspirators according to their several interests. She says in this letter to Mr. Neilson, "You asked yourself, and begged to begin this fight, and promised it should never come to court." This is queer language for a wife to use concerning her relations with her husband! Not that she wished to press her claim, or had any confidence in it. She had, perhaps, originally forged these papers in a pure spirit of deviltry; for a more desperate daredevil, though not without a spice of fun running through her, never lived. Whatever her purpose, she never intended to go into court. She might have intended to use her forgery for exculpation at some time, with her friends; she might have had some other purpose or design floating in her brain, but this she did not contemplate.

Neilson thought, however, that there was a chance to extort present money from Mr. Sharon. He knew that like every other rich man not surrounded by home influences, and like many of those who are, Mr. Sharon had been a target for the arrow of the adventuress. He knew that in this community more than any other on this continent, there are women who, if a man has money, will gather in and descend upon him from every point of the compass, like buzzards upon a carcass. He must fight harder to keep his fortune than to obtain it. No sooner is it won, than the whole world conspires to rob him of it; sometimes by business methods; sometimes by the allurements of pleasure; and, more than all, adventurous women move in battalions against him and assault him on every side. They make pitiful appeals for his financial aid. They cover

false faces with deceitful tears of simulated grief, and implore his sympathy. Often they invent pretexts upon which to invade his business hours. They play upon his self-esteem and vanity with trained and tireless fingers; and, if unresisted, pass by quick transition to more sensuous appeals to his lower nature. They are experts in spreading every species of unlawful snare; veterans in the science of meretricious love, whose most elemental substance they have analyzed, and have learned to employ. How gentle, how tender, how supplicating and timid one of these old warriors can be while approaching the object of her assault, no man knows save one who has been thus attacked. She can blush as rosilily as the glow of the coming dawn. She can weep as tenderly as sun-gathered dewdrops descend upon the waiting earth; she can smile like "patience on a monument" until the joy of pursuit is changed to the terror of possession. In the hour of his success, the victim of her blandishments becomes a chain-weighted slave!

Neilson knew that Mr. Sharon, like many another man, had been deceived by this class of women, and had subsequently paid dearly for his experience. Yet whatever Mr. Sharon's faults or vices, no man has yet said that he ever wronged the hearth-stone of any husband, or robbed a woman of the priceless treasure of her virtue; and in this case, as in others, he was the pursued, not the pursuer; the captured and not the captor.

Whatever the moral or social features of the transactions between Miss Hill and himself may have been, he has to answer for his share in them to God and to society; but there is nothing that shows he ever attempted in any way to do this woman any wrong. It was, on her part, a plain, cold piece of business, and nothing else; on his, an act of folly, and nothing else. I repeat, Neilson knew perfectly well what were the dangers and temptations of rich men. He believed Mr. Sharon had yielded to them, and it was upon this knowledge he expected to base his assault, and extort money from him. This was all he was seeking. I cannot see your Honor's mind, and your Honor's countenance exhibits few indications of your sentiments; but if you will pardon the expression, I judge

you upon the same principles upon which I would be judged myself in respect of the possession of ordinary reasoning faculties; and I affirm that never since courts were organized, since human beings were required with uplifted hand to acknowledge the omnipresence and overruling power of an all-seeing God, who punishes, if He does not reward—never since laws were adopted and systems framed for the purpose of ascertaining ultimate truth, was there such a woman as she who has been the central figure in this case. I have followed her month by month and year by year through her career, and affirm that there is not a single important or material utterance of her lips where she could be contradicted that she has not been; not a fact has been asserted by her which lies outside the forum of her own conscience, in respect of which she is not impeached. Glib, quick, prompt, yet absolutely inadequate to the perils and the dangers of her situation, from the beginning to the end of her testimony she has constantly betrayed herself, and has brought to its death this infamous conspiracy. She has revealed its real origin in this letter to Neilson, which she thought no human eye save his would see. She writes: "You asked yourself, and begged to begin this fight, and promised it should never come to court. Oh, God! If I had kept my trials to myself! These scenes are killing me! Why do you stay your fight on him? Why do you not make him bend to you?"

There was the secret! Neilson had told her what a great journalist, what a friend of Governor Stoneman's, how close and near to the bonanza firm, he was, what wonderful brain he had, and how he could make Mr. Sharon bend and bow as his imperial highness should dictate. The secret lay in Neilson's power. "Why do you stay your fight on him?" she cries! Not her fight; not the vindication of her rights; not the establishment of her property in the name which she has so falsely assumed, "Mrs. William Sharon," but it was Neilson's fight! Mr. Sharon was not to acknowledge her rights, but he was to bend to Neilson. "I do not want to be called into court to be blackened by all the false testimony his money can procure. I have not closed my eyes this night. Now it is two

and a half o'clock, but who is there to care for my troubles? Are you going to let that Grand Jury indict me? No! No! Surely you are not!! *You have brought me into this fight, making me believe you would let no harm come to me.*" * * *

What extraordinary language! If she were a virtuous woman, lawfully married, with indisputable evidence of the fact in her possession, why did she need assurance from William M. Neilson that if she would let him bring her into a fight with William Sharon, no harm should come to her? She resumes: "And here I am about to be arrested as a criminal. Great God. Who would have ever thought I could have been brought into so much trouble? I have offered you more than you wanted." * * *

What had she offered him? Why, if your Honor please, the value of the shaft they were about to sink was estimated beforehand, and they parceled it out in shares among them. Mr. Neilson had stated the terms upon which he would use this unhappy wretch, "make a fight" upon William Sharon and obtain money in a matter which should never come to court. Miss Hill had generously given him a larger share than he first demanded. "I have accepted, against my will, your lawyer." * * * * Poor tool! Poor, wretched tool of a vicious and blackmailing scoundrel! "Will you please give your time for the present to Mr. Sharon and myself, and not Mrs. Smith? Here I am, working like a slave, fretted to death for fear they will get Nellie from me. When I think of packing and not knowing when I shall have to move. The last of this week I must give up this house. I have no friends." * * * *

Here is this lady of education and refinement, resident in San Francisco since 1872, with respectable family connections within a stone's throw, who has no place to lay her head; as lonely in her sin as the poorest and most abandoned creature that ever walked by night the footsore highways of the town. She has no friends; she is helpless and utterly alone. Surrounded only by her crimes and her confederates, her agonizing confession is preserved in the pages of this appeal to the villain who had plunged her into this bitter trouble, and to whom alone she could cry for help. She resumes: "It is terrible; it is outrageous; and you should not let Mr. Sharon rest one

night on his bed while he carries on in this way." * * *

Not her husband, but "Mr. Sharon!" What in God's name could William M. Neilson do to prevent Mr. Sharon from resting one night on his bed? There was but one recourse, the recourse of the blackmailer and the journalistic blood-sucker; the recourse of the buccaneer of the disreputable press. This was available to him. He knew every sounding and shoal in this filthy sea of cruel libel; he was a master mariner who had navigated both the new and the remoter waters of vicious destruction beneath which lay the lost Atlantis of personal honor, good faith and public and private right. He could resort to his newspaper; he could lampoon his victim; he could abuse him; he could intimidate him; he could seek to involve him in every kind of personal trouble; and to what end? To force him to settle this fight out of court and let Miss Hill come to no harm. Hearken to the confession of the legal, lawful, and wedded wife of the owner of fifteen millions: "Nobody comforts me nor has one kind word." Her situation was worse than Wheeler the strangler's; for weak-minded philanthropists gratified his aestheticism by converting his prison cell into a bower of roses, and administering to his grosser needs by more substantial offerings of cake and pie!

[An adjournment is here taken until Monday, at ten o'clock A. M.]

Mr. Burnes—(resuming.)

I have occasionally referred to the correspondence of the plaintiff with Mr. and Mrs. Reigart of Beloit, Wisconsin. It has many remarkable features, the most striking being that the earlier part of the correspondence shows it to be true, as Mr. and Mrs. Reigart have testified, that during the Spring of 1881, the plaintiff was endeavoring to conceal the meretricious character of her association with the defendant, by false assertions that she was engaged to be married to him; that the subject of marriage was under consideration by her; or that she had not then made up her mind whether she would accept him as a husband. She was, she said, deterred by two considerations: First, his lowly origin; and second, his unwillingness to settle on his wife a sufficient amount of money to make up for natural losses growing out of his old age. This correspondence continued down to a very few days before Mr. Sharon was arrested, pursuant to the provisions of the Penal Code, upon the complaint of Mr. Neilson; and exhibits the fact that she wrote to Mr. and Mrs. Reigart as a single woman, referring to her relations with Mr. Sharon only in that character. Her very last letter before this conspiracy developed into public overt acts, is written Saturday the first of September. Here is the letter:

“SATURDAY, SEPT. 1st, 1883.

My Dear Mr. and Mrs. Reigart:—

I know you will be surprised to learn that my brother and his wife have decided to make love instead of quarrel, and are now on their way to New York, where, no doubt, they will remain some two or three weeks. I wish it were possible you could all see them. In haste and with much love, I am truly and always your friend,

S. A. HILL.

Please have the kindness to mail the enclosed letter to Mr. Strong. I do not know just how or where to send it myself.

Respectfully,

MISS HILL.”

On Saturday, the eighth, Mr. Sharon was arrested by process issuing from the Police Court of the City and County of

San Francisco, upon complaint of William M. Neilson, gave bail, and went East.

On the eighteenth of September, Mr. Reigart wrote a letter dated at Beloit, Wisconsin, as follows :

“ BELOIT, WISCONSIN, Sept. 18th, 1883.

My Dear Miss Hill :—

We have seen in the papers lately some statement made by Senator Sharon in regard to his domestic affairs between you. In no spirit of intrusion is this sent, but only to let you know that we are your friends all the year round, come what may, through good or evil report. I saw a statement yesterday from your attorney, and we believe it fully and even more. I am a friend of the Senator's also, and can only say that he is now only under bad influences, and when he comes to himself, he will do you full and ample justice. *I supposed the Senator's and your intimacy would result, of course, finally, in marriage, and that it would have been done so publicly, I am satisfied, had not his relations brought about the present state of affairs.* Of course it would be useless for me to attempt to advise you. Your attorney, judging from what I have read, is a boss one, and I could give him no new points. If, however, I can be of the slightest service to you in any way, you need only command me. We all feel deeply for you ; you have all our full sympathy and love. I am, as ever, your friend,

J. R. REIGART.”

On the twenty-second of September, Miss Hill, signing herself “Mrs. William Sharon, *nee* Allie Hill,” writes Mr. and Mrs. Reigart this letter :

“ My Dear Mr. and Mrs. Reigart :—

Please sit down and believe in me. I am in the right and the day shall be soon when you all shall come and see me in my own home. You will see for some time I have had to stand under a cloud, but when the Newlands went so far as to try to cause their slanderous reports of me to break up my brother's life, I then had to, in the name of justice, assert my rights. God bless you all ; I hope now soon to see you and that you will. Mrs. Sharon will love you all just as much as she did when you knew her months ago. Yours affectionately,

MRS. WILLIAM SHARON.

Nee ALLIE HILL.

You all ought to be here to take part in the fun if it goes

to court, but I don't think he will ever dare face me in a court room. I wish I could tell you the people that have been to see me. They always I was the lovely girl in this city. When I have time, I will write you fully, giving you all names, etc.

Yours, lovingly,
ALLIE."

On the twenty-fourth of September, the plaintiff telegraphed Mr. Reigart at Beloit, Wisconsin: "See Senator and try your power. Don't say I advised. A. H."

We have before noticed how the plaintiff now swears that one day, when Mr. Sharon accompanied herself and Mrs. Reigart to the race-course, and the latter mentioned the rumors that had reached her of his secret marriage, he openly acknowledged it, and said, "Let me introduce you to Mrs. Sharon; is she not beautiful enough?" Now mark how she writes to this same lady and her husband, in a letter bearing date the twenty-fifth of September, 1883, and written in reply to theirs of the eighteenth of the same month:

"SEPT. 25, 1883.

My dear Mr. and Mrs. Reigart:—

Your very kind letter came to-day. I sent you clipping from our papers some days ago. I assure you from my heart I appreciate your friendship, and shall to my death's day. You all have and always will have, my heart and best love. When I first met you, I was already then most a year Mrs. Sharon. I was dying myself to confess all to you, but under a promise I could not. Mr. Sharon said enough to Mrs. Reigart on the day we went to the race-course, with him for a shooting, to fully give her to understand that I was his wife, and I fully appreciated her delicacy in not further questioning my relations to him. Some months after you left, my husband was taken very ill. I nursed him day and night in his illness. When he was able to be up he feared his health was beginning to fail him, and 'twas but a matter of months that he could live. He at once began to importune and coax, and carried it so far as to try to buy me to give up my paper, and sign a quit claim to my rights in his estate. I told him, and I think convinced him I had mislaid my marriage paper, thinking it would quiet his mind. I did this because I was so advised by older and better heads than mine. He then began to abuse me and tried to use force. One night, he, in his temper over the matter, jumped at me and choked me until I

fell on the floor in a fit, and he, believing he had killed me, took me and locked me up in a little closet in his back bedroom and left me for dead. Some hours after I recovered, and finding myself I knew not where, other than a dark and dismal cell, I began to cry, and in my hysterics I was heard. To find that I was not dead but alive, he so recovered from his fright that in his pleadings and delight to find he had not committed murder, I was forgiving and all was lovely and amiable again for some days. Finally Newlands came on the scene, with tales and talk, and I was summoned to the room, and defiantly commanded to sign a most *scouralous* paper, giving up my rights. I refused flatly, saying I had never given him any trouble about the matter, and until I did, he had no right to so abuse me. He then cursed me and said I would be given so many days to sign that paper or he would turn me from the hotel in disgrace. I told him he could send me to the bottom of the ocean if he liked, but I would never commit both moral and social suicide by signing such villainous papers for him or any one else." * * * *

Compare this tale with her testimony, and the utter falsity of both becomes manifest. The scene, which in this letter she describes in so exaggerated a strain, she now swears occurred in the month of August, and in consequence of Mr. Sharon's attentions to some lady concerning whom her jealousies were aroused, because he paid visits to the lady on Leavenworth street, and in her testimony, no part of the alleged cause of quarrel stated in this letter is repeated, or forms the basis of complaint against him. Now listen to this:

"Three days after, I wrote him that I would leave the hotel the next day and go to housekeeping, and when he had recovered from his temper, and desired to see me, after he had apologized for his uncalled-for language, I was ready and willing to again be his slave, but please not to call his parasites of relations into this quarrel between he and myself." * * * *

We know what she did, in fact, write to him! We know she did not write to him to say she would leave the hotel the next or any day, and go to housekeeping. We know that on the nineteenth of November, 1881, Mr. Thorn peremptorily ordered her to find another residence than the Grand Hotel, and that she wrote Mr. Sharon the letter which has been read, in which she says:

"I received a letter from Mr. Thorn in regard to my room. Of course I understand it is written by your orders, for no human being can say ought of me except with regard to yourself. Now, Mr. Sharon, you are wronging me, so help me God, you are wronging me. I am no more guilty of what you have accused me than some one who never saw you; and would you, who asked me to come to this house, whom I have been up with nights, and waited on and cared for, and would have done anything on earth to help you, be the one to wrong and injure me, a man whom the people have placed enough confidence in his honor to put him in the United States Senate, to stoop to injure a girl, and one whom he has professed to love."

We know that receiving no answer to that, she wrote him another letter, in which she says:

"My Dear Mr. Sharon:—I have written you two letters and received no reply excepting to hear that they have been read and commented upon by others than yourself. I also hear you said you were told that I said I could and would give you trouble. Be too much of a man to listen to such talk, or allow it to give you one moment's thought. I have never said such a thing, or have I had such a thought. If no woman ever makes you any trouble until I do, you will go down to your grave without the slightest care. No, Mr. Sharon, you have been kind to me, and I have said I hope my God may forsake me when I cease to show my gratitude. * * * * *

I had hoped to always have your friendship and best will, throughout life, and always have your good advice to guide me, and this unexpected outburst and uncalled-for actions were undeserved."

In that same letter she says: "I valued your friendship more than all the world. Have I not given up everything and everybody for it?" * * * * *

Again she says: "Let us apparently part friends, and don't do or say anything that could create or make any gossip."

Where is the letter which the plaintiff wrote Mr. Sharon three days after he had choked her until she fell on the floor in a fit, then dragged her to a closet and left her there for dead. Where is the letter in which she wrote to him she would leave the hotel the next day and go to housekeeping; and that when he had recovered from his temper, and desired to see her, and had apologized for his uncalled-for language she was "ready and willing to again be his slave;" but that he was to

"please not call his parasites of relations" into what she describes as "this quarrel between he and myself?" Doubtless, as part of her scheme, she had invented and prepared such a letter, and unless she had been confronted here with the letters she actually wrote in November, 1881, she would have produced it, and would have sworn to a copy of the letter she sent him, and Mammy Pleasance would have been the older and the wiser head that had examined and advised it to be sent, and probably Bucky Brown would have been produced as the bearer! Remember that this closet scene occurred three days before she left the hotel, according to this letter to Mr. and Mrs. Reigart! She then goes on to say:

"That afternoon I went out to my grandmother's, and when I returned to my home, I found every door of my rooms taken off, the bells out, and the carpets 'ripped' up; I had only my furniture and the bare floors. My maid had fled in fright, and I was left alone." * * *

We know that she was ordered from the house; that she settled with Mr. Sharon for seventy-five hundred dollars on the seventh of November, 1881; that in consequence of her purloining the receipt she had given him in settlement of her claims, he directed Mr. Thorn to order her to leave the house. We know that between the nineteenth day of November, 1881, and the first day of December, she wrote him the two letters here in evidence. We know that on the fifth of December active measures were taken to get rid of her; yet she says that it was on the afternoon of the very day when she wrote to Mr. Sharon expressing her willingness to leave and go to house-keeping until he had come to his senses, that she came back and found that her room had been thus invaded, and her maid had fled in fright! Why, sir, she had no maid! The person she here calls a "maid" was old Mrs. Kenyon, who had been her chaperon from the tenth of September, 1881, until the twenty-fifth of November, 1881, the day after Thanksgiving. Nobody occupied the relation of "maid" to her. She adds: "My brother was out of the city on business for his house. I sent for some friends and my uncle, and was told to go away quietly to keep quiet, until the matter could be thought

over. Feeling utterly broken-hearted, completely ruined and crushed, I did so. I tried to keep it from my brother." * * *

We know, sir, that after she left the Grand Hotel on the afternoon of the sixth, she stayed one night at her grandmother's, and not finding it agreeable, for some undisclosed reason, she moved to the more congenial roof of Martha Wilson, where she slept in the same bed with that colored woman, while the negro husband reposed on a sofa in the adjoining room; that thence she went to San Jose and remained a week or more, in the meantime leaving, as she says, these precious papers behind a looking-glass in Martha Wilson's house, from which safe deposit Martha Wilson and Vesta Snow extracted them during her absence, and Vesta read them to Martha; that she returned, was here some days with Martha Wilson, found her cousin Rodney, and on the twelfth of December, 1881, went to house-keeping on Ellis street. Those are historical facts about which there can be no dispute. Here she says: "Feeling utterly broken-hearted, completely ruined and crushed, I did so. I tried to keep it from my brother. I went away and lived quietly, a little cousin—a boy—and a young lady of good family, her friends being my friends" * * *

Why, sir, when she went to housekeeping at 824 Ellis street, on the twelfth of December, 1881, she was not aware of the existence of Nellie Brackett. She never saw or spoke to her until the latter part of March, 1882, when an unnatural intimacy sprung up between them. She left the hotel in December, 1881, and in this letter she says: "Six months after all this, Mr. Sharon relented. We were together, and the matter was mutually fixed up. For some reason he again took umbrage; I moved and succumbed to his whimsies until I found his relatives were carrying the scandle so far as to try to utterly wreck my broken life." * * *

I defy the world, barring of course the competition of the plaintiff, to produce any one capable of rivaling this passage, of putting into an equal number of lines an equivalent amount of falsehood. Where was she six months after this event? She was living in the house of Mrs. Leet's on Van Ness Avenue, where Mr. Sharon never visited her, to which place he never sent her a letter, and during which period she had no

communication whatever with him, except on the sixteenth of June, 1882, when she commenced collections on account of her fifteen hundred dollar note; yet, according to her monstrous tale it was during this same period that the bedroom scene of the thirtieth of May, 1882, occurred, followed by the forgery of the document promulgating fictitious reasons for her ejection from the Grand Hotel, and fictitious explanations of the payments he was making her; nor was it long after, according to her own revolting story, that finding herself in a state of expectant motherhood, she sent Miss Brackett to his office to be the bearer of this news, and inform him in the same breath that she had broken the silence clause of the contract. She says:

"I moved." * * * We know that she left Mrs. Leet's on the first of August, and descended like a whirlwind on the hitherto peaceful family of the Bracketts. Does she pretend that in making that "move" she "sarcumbed" to the "whines" of her husband? The evidence shows most incontestably that Mr. Sharon never regulated her movements, nor even had the least knowledge of where she was living, or what she was doing, down to the "egg in champagne" letter of August, 1882, in which, referring to a visit to his office, which the context shows was a successful application for money, she says: "I am staying for a few days at Nellie's mother's, 824 Ellis street." The evidence shows that she remained at Mrs. Brackett's until November, 1882, during which time Mr. Sharon never visited her, or had any communication with her except to pay her the stipend she had agreed to accept in full quittance of all further claims and demands. The evidence further shows that she moved from Mrs. Brackett's to 18 Laurel Place about the fourteenth day of November, 1882, never even so much as telling the mother of this girl whom she abducted, where she was going. It was only by accident, a week or two later, that the mother, after much unavailing search, discovered her daughter, whom this miserable woman, after seducing her from her home and degrading her into a corrupt and willing tool of perjury, has since driven

from her with blows and reproaches. "I moved and *sar-cumbed* to his *whimes* until I found his relatives were carrying the *scandle* so far as to try to utterly wreck my broken life."

When did any human being connected with Mr. Sharon try to injure this woman? What wrong had any of his relatives done her? What attempt had anybody connected with him ever made to wreck her broken life? She resumes:

"I could no longer stand it. I could no longer live under a cloud of disgrace. I did not deserve it. I have lived the life of a pure, good woman, and God only knows what it has cost me to so long keep my secret. When Mr. Strong was here, he spoke so beautifully of his married life, of his lovely wife and loveable daughter, that my heart almost cried out to his great, good kind face, and I was twice on the eve of confessing my rights to him, and letting him carry the real truth to you all. I have felt, in justice to you and myself, you all ought to know the great, grand truth, but my heart failed me, and I let him go back to you without my secret. Mrs. and Mr. Reigart, in the face of my Almighty Maker I am in the right. I defy Senator Sharon or any one else to lay their finger upon my name with other than himself. He is my lawful and legal husband and why should he not own it? Place your own dear, sweet, little daughter in my place, and say I have not the right to fight for my good name. I spurn his money and I defy him. In the end he will but wreck his own grand name that he has made for himself by both fair and foul means. I love the man—I worship him; but I will not allow my love to longer stay my hands in upholding my honor and my virtue. Newlands and others are trying hard to make great mountains out of that Burchard affair."

Now, as you will see by reference to the deposition of Mr. Reigart, this allusion of Miss Hill's to Burchard was the first intimation the defendant had of the "Burchard affair." It was, of course, generally known at the time, that Mr. Burchard was attentive to her and running about with her, but the details of this engagement, which she calls the "Burchard affair," were unknown to anybody except the parties immediately concerned. She resumes:

"Who knows how false that all is better than you all? I know you are my friends, and I know you will refute such charges

to the bitter end in the face of justice. You might think this case was brought wrong" (that is, by having Mr. Sharon arrested in the Police Court. A very natural idea.) Under the laws of this country it had to be brought in that way to declare and prove my claims lawful. After I am declared the wife, I can then ask for alimony or a divorce. God bless you all. Don't think I would think it intrusive for your great good hearted letter of consolation. Indeed it only draws me nearer and dearer to you in ties of friendship, and I say God bless the man or woman who will stand in and help defend a woman's good name and honor. This matter has been trying to be negotiated quietly for three months, so we had nothing else to do but to give it to the public to decide. You all have no idea how cruelly I have suffered at this man's hands. It simply beggars description. I may telegraph you to come here; I have such confidence in you. Write me soon and send me clippings from eastern papers. Much and great love to you all. I am, as always, your warm and true friend, in the eyes of God and justice,

MRS. WILLIAM SHARON,

nee ALLIE HILL.

18 Laurel Place,
San Francisco, Cal."

"I may telegraph you to come here; I have such confidence in you." * * * *

Here was this woman writing to Neilson that she was alone in the world, and had not a friend; though with a brother, with uncles, with aunts and a grandmother here in the city, yet with none to believe in her among those that knew her best, and compelled to reach out with despairing hands toward these people whom she had met in a casual way at the Palace Hotel in the Spring of 1881. From this time, as your Honor will see, she began to deal with them as though she hoped to suborn them as she had suborned Nellie Brackett and Rodney; to suborn them as she had suborned Martha Wilson and Vesta Snow; to suborn them into a conspiracy like that with True and Wells. On the twenty-sixth of September, after the receipt of the telegram from Miss Hill, which ran, "See Senator and try your power; don't say I advised. A. H.," Mr. Reigart writes the following letter to her:

" BELOIT, WISCONSIN, Sept. 26, 1883.

My Dear Miss Hill:—

Your telegram came duly to hand and was answered last night. It would give me great pleasure to interview the Senator in your interest. Have tried to keep track of him through the papers, but have not seen his name mentioned at all lately, so I am at this time in utter darkness of his whereabouts. He certainly was not in Chicago last week, for I was there myself, and would have known it. Should I get notice of his being in Chicago, will go at once. A friend will write me of his arrival, and if he remains one day, I will certainly see him. Perhaps I might be of some service in this unfortunate matter; I know well it would result in no harm. I am of the firm opinion that, left to himself, the Senator would do you full justice; and believe yet, that his native sense will come to his rescue." He speaks then of Mr. Strong, and of his affairs; of their domestic relations and sends love, with an ardent wish for her happiness, and subscribes himself "Yours truly, J. R. Reigart." In a postscript, he says:

"Under the circumstances, I was rather tossed up in mind as to the proper way to address you. The telegram was addressed to Mrs. William Sharon, but I changed it upon reflection, as it might interfere with some of your plans, etc. You will please let me know as regards that. This whole matter must be a source of much annoyance to you; but, as you have been obliged to undertake it, my advice is, if he does not come to time, as he ought to, is to fight it out to the bitter end with all your energy and soul. Millions do not always win, and although the world contains many bad people, you will find that a few real good ones are left also. Keep up as good a heart as you can now. You must call upon your friends to rally round you now. Now is the time, if ever, they can be of some service and comfort to you. Don't waste your time with the friends of sunshine. They are not worth the effort. You can command this family at any time and under all circumstances. You were always kind to us; we will show you, if you give us a chance, that it was not misplaced. Come what may, whatever your trials may be, you will find us close to you in sympathy and love, and always ready with a helping hand to the extent of our ability. I know of but very few certain things in this uncertain world, but that is certain."

It was this declaration which led to her subsequent vicious

suggestions occurring in a letter which I shall shortly read, of testimony which these people might give, if they saw fit, for the purpose of assisting her in establishing herself as the wife of Mr. Sharon.

On the second of October Mr. Reigart wrote to the plaintiff from Wisconsin, in answer to her long letter of the twenty-fifth of September, in which she gave a pitiful narrative of attempted murder, and of other alleged incidents which the evidence has demonstrated to be, one and all, absolute and unequivocal falsehoods; but they produced their effect upon the Reigart family. He writes:

“BELOIT, Oct. the 2, 1883.

Mrs. William Sharon:—

My dear Madam. Yours of September 25th at hand. I had no idea that the honorable Senator would, under any circumstance, use violence toward you, or any lady. He must indeed be a brave man, and Nevada will no doubt return him to the Senate as the champion ‘Brave’ of the Silver State. I can scarcely reconcile his conduct to you with his character of being ‘one of the mildest gentlemen on the Pacific slope,’ as was expressed to me by a citizen of San F. You must have suffered indeed, and we feel more sorry than words can express for you. You made a sad mistake when you did not confide your whole business matters to some good reliable person, at the signing of the marriage contract—that would have saved you much trouble now. As to the breaking of your promise; that is mere sentiment in such an affair, and as your confidant would have been an honorable person, your secret would have been safe, and so forth. However, meet the whole matter as it presents itself now. You have, in my judgment, the whip-hand of the Senator; give him the best you have, and don’t let up on him until he is ready to treat with you upon honorable terms. Of course it is a great pity that the matter had to come to the public ear, but as it had to, I believe you will have the sympathy and respect of a large majority of the people whose opinions are worth having. Of course Newlands will do as much dirty work as the Senator will require. Nature just intended him for just such business. I do not think, however, he will make much out of the Burchard affair—that chap was the biggest liar for a small man I ever met—if he ever told the truth, it was purely accidental. I expect to leave for New

York and Boston next Sunday to be absent a week. I hope it may be my good fortune to meet the Hon. William. A pow-wow would not hurt your interests, I can assure you. Find nothing in the eastern papers in regard to your matters; save what has appeared in your papers—no comments—a few jokes at his expense, and that is all. Of course, as matters progress, the papers will be full of it. You will have to encounter a great deal of false swearing, if it comes to Court. The Senator's dollars will bring forth a great deal of that sort of evidence, but I have a firm conviction that truth and justice will triumph, and that you will be fully vindicated. We expect now, that before the first of the coming year to be in San F., when we can talk over the matter in detail. Have no idea that the case will be called before that time. You have our entire sympathy, and our only wish is that we could be of some practical use to you in your trouble. With love from all, we are as ever,

Yours very truly,
J. R. REIGART."

In the meantime Mr. Neilson had, on the seventeenth day of September, 1883, published in his organ, the *Examiner*, that infamous bundle of falsehoods which he designated as "An Explicit Statement," containing matters which the plaintiff, as she affirms, never told Neilson; which he, on the other hand, protests he derived wholly from her. This statement contained what Mr. Neilson confesses was a fictitious letter; contained what he admits was a false affidavit, or a pretense of an affidavit never made by him; both which he owns were intended to mislead the minds preparing Mr. Sharon's defense, but which it seems to me, were calculated to deceive, and actually did deceive as large a portion of the thinking and reading public as this journal could reach. It would seem incredible that such matter could be put forward, even by Mr. Neilson, without some shadow of truth; but, as your Honor knows, his statement was a bundle of falsehoods put together under the plaintiff's direction and with her assistance; was adopted by her and sent by her to her friends in Beloit. Well, sir, as soon as the Reigarts saw there was to be an attempt to make them the witnesses who should demonstrate the truth of Miss Hill's story, Mr. Reigart wrote to Mr. Neilson under

date of the third of October, a letter, in which he says he writes to him because the plaintiff herself had written of him as her attorney, and had requested permission for Neilson to write to him. He says :

“ My dear Sir :—

A telegram published in the Chicago papers of yesterday in regard to the Sharon matter says that Senator Sharon told me at the marriage of his daughter at Belmont that he had been secretly married to Miss Hill, etc. In order that you, as Miss Hill's attorney, may not be misled in the matter I have to say that at the time of that wedding I was confined to the house by sickness, nor did Senator Sharon tell me at any time in regard to any marriage, nor allude in any way to his domestic matters. I judged from his marked attentions to the lady that he contemplated marriage, but as to ever hinting to me that he was married, is all a mistake. My name is evidently wrongly mixed up in the matter, and whilst I am exceedingly friendly to the lady, I would be doing you as her attorney a great wrong if I did not at once deny the report as to this evidence. I wish I could be of some service to your client; I feel as if she had been wronged somehow by somebody in this matter, and I would be the last one to try to shirk the responsibilities of a witness if I knew anything that would promote her cause. I am deeply sorry, more than I care to express, at the turn matters seem to have taken. I hope from my heart she will win, for I believe she tells the exact truth, and am sorry that I cannot help her on the stand. I expect to be in San Francisco about the 1st of December and will do myself the pleasure of calling upon you and talking the subject over in detail.

Yours truly,

J. R. REIGART.”

Yet Mr. Neilson and Miss Hill give to the public a statement, the substance of which she endeavored to insinuate into the minds of these people, accompanied by promises of what she would do. This was probably the first time Mr. and Mrs. Reigart began to find out what her real condition was.

On the fifth of October, 1883, the plaintiff writes Mr. and Mrs. Reigart as follows :

“ My Dear Mr. and Mrs. Reigart :

How shall I ever love you enough or thank you enough for all the kindness and encouraging letters you have written

me? Indeed it is more than heavenly to feel one has such friends as you are to me. A woman's honor is everything, but my husband seems to think that his money can stamp it out of existence. I have been sending you the papers to keep you posted, and will continue to do so. I sent you a despatch that I would need you. Hope you received it. Mr. Neilson, the gentleman who has my case, said or asked me if he might write to you. I told him certainly. *I have many, many friends now that I never knew or counted good friends, but some of the first ladies of this city have come forward and tell me if Mr. Sharon should, with his money, defeat me, they will never again think ill of me, and I will be as welcome to their house and table then as I was before.*" * * *

Now listen to her private and secret letter to her confederate! I put the two letters side by side that your Honor may see how harmonious her tale is:

"You have brought me into this fight making me believe you would let no harm come to me, and here I am about to be arrested as a criminal. Great God! Who would have ever thought I could have been brought into so much trouble? I have offered you more than you wanted. I have, against my will, accepted your lawyer. And now will you please give your time for the present to Mr. Sharon and myself, and not Mrs. Smith? Here I am, working like a slave, fretted to death for fear they will get Nellie from me. When I think of packing, not knowing when I shall have to move. The last of this week I must give up this house. *I have no friends.* * * * *It is terrible. It is outrageous, and you should not let Mr. Sharon rest one night on his bed while he carries on in this way.* * * * *Nobody comforts me or has one kind word.*" * * *

I resume her letter to the Reigarts:

"Of course I don't count on a defeat, and with you and your dear wife, there will be no such thing. When this is all over, you can simply depend on it, for all your kindness, that I will not only be your friend, but I will be Mrs. Reigart's sister, *in every sense of the word sister.* I want you all to love me, and in thinking of me, believe me; my gratitude for your assurance of friendship is inexpressible. It simply remains to be shown by both deeds and acts hereafter." * * *

Beautiful paraphrase of Mr. Tyler's declaration to Mr. Wells and Mr. True, that while he was unable to make any definite promise, he could assure them there was enough in it to make

twenty men rich! She continues: "Do you know where Colonel Stagg is, and do you think he would prove a woman's friend? My great love for you all, and believe me, that in my tears, my thoughts turn to you for your great, powerful, good, kind letters. Bless your dear hearts! Can I ever repay you in any way for such assurance of friendship? May God bless you and your children forever for proving a woman's friend.

Yours always,

MRS. WILLIAM SHARON,

nee Allie Hill.

I guess for a while you had better direct my letters to Miss Allie Hill, for fear in some way of them being miscarried."

Now, sir, I will read a letter written by her to the Reigarts, well knowing what these people had always believed from her contemporaneous statements; knowing perfectly well how criminal was the suggestion of false testimony which she was making to them. She knew it then as well as your Honor knows it now, for as Mr. Tyler said the other day, "Whatever may be said in the way of criticism of the plaintiff, she is certainly not a fool:"

"My dear Mr. and Mrs. Reigart:—

I sent you a telegram saying I would want you both. Have not heard from you since. Received Mr. Reigart's many kind and always faithful letters, and it proves to me what good true friends you all are to me, and shall I ever forget it? I hope God may let me cease to live when I do. Such friends are seldom found that are friends in trouble as well as pleasure. I only wish I could tell you at this moment how much my heart goes out to you for it, but time alone will tell you how truly I love and appreciate it all."

Now listen to this:

"My case as to witnesses will mainly depend in a great measure on what Governor Reigart may have to say. I have my marriage paper, and I have some letters and notes sent with money, beginning "My dear Wife." I have thirty or forty people who have known of the existence of my paper for over two years, and one who knew of it a few weeks after it was signed, though it has never until now been given to the public." * * * *

Judge Evans commented with great acumen and well-deserved asperity upon this paragraph, in connection with the

testimony of Martha Wilson and Vesta Snow. Your Honor has his argument fresh in your mind, and I shall not venture to repeat it. "I have three witnesses here to whom Mr. Sharon has never denied me as his wife." Who were they? We have not seen them, unless they were Miss Brackett and Rodney, the latter of whom was with her when she called with Neilson, and Neilson himself, who sat in the corridor during the interview of the seventh of September, when, before Miss Hill would enter the room where it was to take place, she carefully reconnoitered the premises to see that no one save the half-witted Rodney was present to hear what passed between her and Mr. Sharon. Here is her vicious and insidious suggestion:

"*If I remember well*, Mrs. Reigart joked Mr. Sharon one day when we were going out to the Park in his carriage, the day we got out at the race track, and tried to shoot at a mark. She joked him about my buying so many shoes, and then said something about she heard we were secretly married, and he turned to her and said, 'Let me introduce to you Mrs. Sharon; is she not pretty enough?' Then ha-haed and laughed to kill himself; but not matter how much of a joke he tried to make of it, if she remembers it, it is great evidence. *Some one told me the other day* that when Mr. Reigart was advised not to let his wife go with me, saying I was Mr. Sharon's woman, he laughed and said he perfectly understood the relations between Mr. Sharon and that young lady, and was satisfied to have his wife continue the acquaintance. That he had talked very plainly to the Senator on that matter when these reports first reached his family in regard to Miss Hill, and the Senator had perfectly satisfied him that Miss Hill had a right to both his rooms and his carriage. I cannot believe but that the Senator admitted to Mr. R. that we were married, but that he desired it kept a secret." * * * *

Such were the suggestions to falsehood and perjury which she sought to instill into the minds of this gentleman and his wife, taking a base advantage of their expressions of sympathy and kindness, paving the way to her iniquitous insinuations by declarations of friendship and affection; by protesting, though there was no reason for it, that she wanted them here; promising that they should be the inmates of the magnificent home she was going to build with the fruits of this

successful conspiracy, and declaring that she would show them by acts and deeds what she was capable of in the way of substantial manifestation of gratitude; suggestions made after these people had written, and written again, that they were unable to testify to a single fact to help her; when Mr. Reigart had written Mr. Neilson the letter which we have read! Is there on the face of the civilized globe a parallel to the insolent and shameless audacity which would compose two such falsehoods, and endeavor to induce this man and woman to swear to them, prefaced by, "If I remember well," such and such a thing happened; "If Mrs. Reigart can only remember this, it will be great evidence," but betraying itself by the ridiculous incongruity of the statement: "Some one told me the other day, that when Mr. Reigart was here he was advised not to let his wife go with me, *saying I was Mr. Sharon's woman,*" etc.

When my associate cross-examined her, he pressed her to tell who it was that had disclosed to her a declaration on the part of Mr. Reigart so important and significant, which, if it ever occurred, would have been burned as with a branding-iron upon her heart; a rankling memory, unfading except with life itself, one of those circumstances

" * * * which men remember
Till they forget themselves, till all's forgot ;"

And she, finally, after evading, equivocating, turning and twisting in every possible way, confessed, with the first shadow of shame that has appeared upon her countenance since the beginning of this trial, that one of her counsel suggested it to her! One of her counsel suggested to her that it would be good evidence if Mr. Reigart would only swear that he had had a conversation with Mr. Sharon, in which the former stated that he had been told his wife was associating with "Mr. Sharon's woman." What a phrase! She goes on: "Mr. Sharon is here at the Palace, and has been since a few days after Mr. R. sent a telegram to know when he would be in Chicago. I have packs and heaps of letters."

Packs and heaps of letters ! Thirteen notes addressed to "Miss Hill," containing such tender messages of marital love as :

"I have got a nice bottle of wine. Come over and share it."

"Allie. Come over and take a bottle of wine before Christmas, and let us all be merry."

"Allie. Come over and take dinner."

"I enclose you \$260. You had \$40, you had \$30 and you had \$35, and here is a check for the balance."

"I send you by Ki balance, \$270." Every one proclaiming as plainly as could be written, her meretricious relations with the defendant ; wretched little pencil notes, all of them, with one exception, scraps fit only for the waste basket, but upon which she has interpolated, with blundering care, the solitary word "Wife ;" the remaining one a letter written in ink, the whole of which is demonstrated as clearly as if we had seen her do it, to be a tracing from an original letter written to her by Mr. Sharon, and addressed "Miss Hill !" She adds :

"Dear, dear Mr. Reigart: How I do thank you for writing me that 'few things were certain, but that you were one of those things.' Now I am going to speak to you of Mr. Neilson. He is a man I know Mr. Sharon could under no circumstances, bribe. He made a fight here some years ago for Mrs. Dr. Smith against her husband, and won it after General Barnes had taken it to court, and been beaten. He is a man that in that same fight went to Sacramento and got the bill passed for her benefit, compelling the husband to support the wife without divorce, and Colonel Tom Fitch, Mr. Ed Marshall and Hall McAllister were against him. He is a most particular and warm friend of Governor Stoneman's and controls the entire press on this Coast ; is known as a great newspaper man, and is a great and warm friend of the bonanza firm ; is the man that made the fight against Squire P. Dewey, and drove him, with all his wealth, from this city. I tell you, when he takes hold of anything, he never lets up but to win. I hope you may come to know him, and you will find him a man of most wonderful brain. You see he is not afraid of Mr. Sharon when he would have him arrested and taken to the jail as any other poor man. Ah, I could tell you lots, and you would kill yourself laughing."

What a letter ! What a manifestation of depravity ! What an exhibition of a nature utterly low and degraded ! What

vile suggestions of perjury, shamelessly made! This wife, who had been bearing for months the burden of her apparent sin; binding herself by contract for two years of apparent concubinage, the result of which had been to drive her from the society of respectable people, and, as she says in this very letter, to give her the reputation of being, to use her own low language, "Sharon's woman;" who, through it all, had been "preying" to God to sustain her in her trouble; who was then about to engage in a desperate struggle to compel her husband to recognize the conjugal relation which had so long existed in secret between them; who was about to set up the standard of her rights, rally her friends round it, and march forward to the fight—writes a letter like this to these strangers, and all she could say was, "I could tell you lots, and you would kill yourself laughing." This letter, along with the following brief note from Mr. Reigart, closes a very remarkable correspondence, difficult to understand when viewed in the light of the relation which the plaintiff claimed existed between herself and Mr. Sharon; clear and unmistakable if viewed in the light in which we claim all her conduct should be regarded. The note from Mr. Reigart is dated the twentieth of October, 1883, and runs as follows:

"My dear Miss Hill:—

Expect to leave here for San Francisco on Wednesday the 31st. Be delayed possibly a day or two on the way, and reach San Francisco early next week. My desire is to be of some practical service to you, and my coming at this time is in that interest. If successful will be happy; if not, it is worth the effort, anyway. It is necessary that no one should know of my presence in the city. I will call on you the first evening of my arrival, and do not wish to see anyone but yourself.

Yours truly,

J. R. R."

With the examination of this correspondence I conclude my review of the testimony.

It only remains for me once more to remind your Honor that in the State of California the personal relation of marriage can legally be created and maintained in no other way

than that provided by the Civil Code, and that the requirements of that Code are founded in wisdom, justice and mercy ; wisdom, in looking to the general good of society ; justice, in their protection of the individual, and mercy, in their tender regard for the purity of hearth and home. But whether these requirements be wise or foolish, upon them alone can home and family rest. They alone plant about both the safeguards and defenses essential, not only for husband and wife in their personal relation, but for the protection of society itself. Conspiracy against the individual or his property is thus rendered impossible of successful consummation; and I may add that the enforcement of the law in the present case may possibly teach many lessons to the community as well as to individuals, and we may yet snatch from this festering heap of scandal some measure of good, which may help to atone for its many evils.

I ask your Honor to let it be understood that in this State, society has an interest, deep and abiding, in the marriage relation ; that it has the legal and moral right to know who are married ; that it cannot and will not grant to any man and woman the authority of law to contract in secret for that union whose integrity and purity lie at the very foundation of all social order. Let it be understood that consent to marriage must be followed as well by the open avowal of such consent, as by the immediate and undisguised assumption of the rights and performance of the obligations of wedlock ; that no person of either sex or in any condition of life shall be permitted to claim marriage in defiance of the law ; shall be heard to say that consent to marriage may be given by both while coupled with an express promise on the part of either to conceal for any period of time whatever, the nature of the bond that binds them, or with a joint covenant to ostentatiously avoid the public assumption of those duties or obligations without which there can be no lawful marriage relation ; that neither men nor women shall be permitted to ask, with the hope of success, that an agreement for meretricious intercourse for two years shall be held to constitute a legal marriage for all succeeding time. I ask your Honor to let it be

understood that the law in this, as in all other cases, regards concealment with no lenient eye, as the badge of fraud, and unworthy of the aegis of this tribunal or of that appeal to the consideration of the community at large, whose verdicts are, in one sense, as high as those of the courts themselves.

Let it be understood that all presumptions, both legal and social, are against such secret and corrupt contracts, and that when a woman claims to have entered into the holy estate of matrimony under a voluntary and well understood pledge written by herself, for absolute secrecy, and thereby carefully excludes herself from all usual, public, social and domestic recognition as a wife, and claims and bases her right to relief upon the assertion that she has so lived that friends, family and the social world have universally recognized her, not as a wife, but as a mistress; she shall not by the judgment of this Court, any more than by that of society, whose obligations she has violated be raised from the pit she has dug with her own hands, and into which she has, of her own free will descended without the plea of deception practiced upon her by her paramour, or the poor apology of uncontrollable passion, to excuse her defiance, both of the law of the land, and of every instinct of social decency.

If your Honor please, at the outset of my argument, I ventured to declare that the facts and circumstances established, not merely by a preponderance of proof, but beyond all reasonable doubt—

First: That Miss Sarah Althea Hill was never married to William Sharon, that she is not, and never was his wife, by any form of consent, followed by solemnization or by the mutual assumption of marital rights, duties or obligations.

Second: That the alleged declaration of marriage, declared upon in the complaint, is utterly invalid and void, for want of compliance with the statute; and

Third: That the alleged declaration of marriage and the "dear Wife" letters are established, by competent proof and by all surrounding circumstances, to be impudent frauds and forgeries and are the basis of one of the most bold and

shocking conspiracies to accomplish most unworthy ends by means in themselves criminal, which has ever been presented to any judicial tribunal.

In conclusion, I declare that all the facts, as they have been developed and explained, show the existence between Miss Hill and the defendant of a secret meretricious relation, continuing about thirteen months, during which period Miss Hill sought to disguise the fact, and escape public and private censure by groundless assertions of the existence of an agreement to marry between herself and the defendant, and also concealed the source of her support by false pretenses of wealth which she did not possess : that after the cessation of all social relations between herself and the defendant, she attempted to explain this fact by declarations equally mendacious, to the effect that the engagement of marriage had been broken off by herself, contrary to the wishes of the defendant; that concurrently with these declarations, she conceived the plan of revenging herself upon the defendant through an action for breach of promise of marriage : that this scheme was first developed in the month of December, 1881, and was considered by her until about March, 1883, and was then abandoned. That side by side with this plan was another, that had for its object the establishment of secret marriage between herself and the defendant, dating back as far as the twenty-fifth of August, 1880 ; that the means by which this marriage relation was to be established were, first, a contract or declaration of marriage, inscribed upon a scrap of paper upon which the defendant had written his name, the State of his residence, and a date, and above which, in her own hand writing, she forged the contract ; secondly, the admissions alleged to be contained in four pencil notes written to her by the defendant for the purpose of remitting her money, and in which the word "Wife" has been interpolated by herself, and by one letter written in ink, which is altogether a forgery ; that to these instruments in writing and her own shocking perjury, she has added the false testimony of two young persons, both of whom have been dependent upon her, and wholly subject to her evil influ-

ence and corrupting control, and supplemented their mendacity by the false testimony of a negro woman who could not read or write, and of a white woman who associated with negroes. It is clearly in evidence that the defendant has never recognized her as his wife, lived or cohabited with her in the relation of matrimony for a single hour, and that neither of the parties has ever, for a day, claimed from the other the rights or assumed toward the other, the discharge of the duties or the obligations of matrimony; that the plaintiff has been shown by incontestable evidence to have suborned false testimony and to have endeavored repeatedly to have recourse to perjury to gain an unmerited victory.

That in her personal narration she has been not only contradicted, but proven to have uttered innumerable willful falsehoods, and that her conduct during the entire period of her alleged marriage with the defendant has been wholly inconsistent with wifehood; that she has borne her maiden name, lived ostensibly as a single woman, as such transacted business of a private nature with the defendant, as such received from him in settlement of her claims for meretricious intercourse, payments of money, partly in cash, and partly evidenced by written instruments in which she is treated as a single woman, and during the period over which such successive payments were extended, she receipted for each payment over her maiden name of Allie Hill; that her correspondence with her former friends, Mr. and Mrs. Reigart of Beloit, Wisconsin, conclusively demonstrates that she had not even the expectation of ultimate marriage with the defendant, and also proves an artful and wicked attempt to suborn both of them as false witnesses in her behalf: and, in fine, that her entire case has demonstrated, in a multitude of ways, the impossibility, mental, moral and physical, of giving even the plausible guise of truth to an absolute historical lie.

I thank your Honor for your patient attention.

